

Criminal Misc. No. M- 34409 of 2017 (O&M)

Date of decision : September 22, 2017

Vishal Seth

.....Petitioner

Versus

State of Punjab

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Navkiran Singh, Advocate for the petitioner.

Mr. Devinder Bir Singh, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 20 dated 07.04.2016 under Sections 306/34 IPC and later added Sections 304B, 498A, 420, 120B IPC registered at Police Station Women Division-D, District Amritsar.

It is submitted that the petitioner has been falsely implicated in this case. The deceased committed suicide when she was in her parental home. She was with her parents for the last ten days before the unfortunate incident. This fact is so reflected in the FIR itself.

While referring to suicide note dated 06.04.2016 (Annexure P-4), learned counsel for the petitioner argues that ingredients of offence punishable under Sections 306/34, 304B, 498A, 420, 120B IPC are not made out in any manner. There is no mention of any demand of dowry or harassment being meted out to the deceased neither is there any indication of instigation or abetment of suicide by the petitioner. It is further submitted that the deceased had suicidal tendencies and a certain psychological disorder, which led to the unfortunate incident of her committing suicide.

Learned counsel refers to alleged conversations between the deceased and her mother as well as the petitioner to urge that none of the allegations levelled in FIR are correct. The deceased was not driven out of the matrimonial home and neither was she subjected to any ill-treatment at the hands of the petitioner. She had left the matrimonial home of her own accord. Moreover, the material witnesses, it is submitted, have been examined before the learned trial Court. The petitioner is not involved in any other criminal case. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State while not denying that the deceased committed suicide while she was in her parental home, submits that it is due to harassment meted out to her that she left the matrimonial home and was at her parental home. The veracity, effect or otherwise of the alleged conversations referred to above shall be considered by the learned trial Court. However, suicide note dated 06.04.2016 is not in dispute. It is verified by learned counsel for the State, on instructions from ASI Balwinder Singh, that the complainant as well as the material witnesses have since testified before the learned trial court. The petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial, in this case, is not likely to conclude in the near future.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted

above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

September 22, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No