

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No. 35652 of 2016(O&M)

Date of decision: 15.3.2017

Inderjit Singh

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab assisted by ASI Mohan Singh.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.38 dated 04.04.2016 registered with Police Station City Gurdaspur, District Gurdaspur for offence punishable under Section 306 of the Indian Penal Code, 1860 (in short 'IPC').

Counsel for the petitioner has submitted that marriage of the petitioner with Parminder Kaur (since deceased) was performed in the year 2005 and out of the wedlock, two children aged 9 years and 8 years were born. It is further submitted that in the FIR lodged at the behest of mother of the deceased it has been alleged that Parminder Kaur disclosed to the complainant that her husband had illicit relations with some woman and when her daughter tried to stop him from indulging in this activity, he caused beatings. It is further argued that during the course of investigation neither the name of any such woman has cropped up much less any interaction between the petitioner and said woman. It is further submitted that younger sister of the deceased is also married in the same family to younger brother of the petitioner and she is happy in the matrimonial

home. The petitioner is a member of Indian Army and his last three postings were in Andhra Pradesh, Madhya Pradesh and Srinagar. The deceased was residing with her husband in Madhya Pradesh but not during his posting in Andhra Pradesh and Srinagar being sensitive stations. The last submission made by counsel is that the petitioner is in custody since 05.04.2016; challan has been presented in the Court and the trial is likely to take its own time.

Counsel for the State has not disputed factual assertions but opposed the prayer for bail with the submission that material witnesses in the case are yet to be examined after framing of charge.

I have heard counsel for the parties and perused the paper-book.

Taking into consideration the allegations raised in the FIR by mother of the deceased, it is a moot point to be decided during trial if the petitioner can be said to have abetted commission of suicide by the deceased. In this context reference can be made to judgment of Hon'ble the Supreme Court of India **K.V. Prakash Babu Vs. State of Karnataka, 2017(1) RCR (Criminal) 60.**

On completion of investigation, challan has been presented in the Court, therefore, custodial interrogation of the petitioner is not required. Conclusion of trial is likely to take its own time. Without commenting upon merits of the case, the petitioner shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the

case so as to dissuade him/her from disclosing such facts to the Court;

(ii) he shall not leave India without previous permission of the Court.

MARCH 15, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned

:

yes/no

Whether reportable

:

yes/no