

CRM-M- 4945 of 2017

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In the High Court of Punjab and Haryana at Chandigarh

CRM-M- 4945 of 2017

Date of Decision:21.2.2017

Sukhwinder Singh

---Petitioner

vs.

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. G.S.Randhawa, Advocate
for the petitioner

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 0072 dated 13.6.2016 registered at police station, Banur District, Patiala for offence punishable under Sections 306, 498-A of the Indian Penal Code (in short "IPC").

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent-State.

Counsel for the petitioner has submitted that the present FIR has been lodged at the instance of Gurnam Kaur, who had no love and affection for the deceased. As per post mortem examination report of PGI

Chandigarh, no mark of external injury on the body of the deceased was found. The deceased remained alive till 12.6.2016 but she did not suffer any statement indicting the petitioner. The deceased married the petitioner about 15 years ago and out of the wedlock, two children aged 12 years and 10 years were born. The children are at mercy of others as they lost their mother and the petitioner (their father) is in jail for the past about 8 months. The last submission made by counsel is that as the deceased neither suffered any statement nor left behind any suicide note, in view of allegations raised by Smt. Gurnam Kaur, it is a moot point if the petitioner abetted suicide by the deceased. In addition, it is argued that the petitioner is ready to face proceedings, in accordance with law, but his release from jail would be for the betterment and welfare of the children.

Counsel for the State has opposed the prayer for bail with the submissions that many witnesses of the prosecution have already been examined and evidence of the prosecution is likely to be concluded shortly. It is further submitted that taking into consideration gravity of allegations against the petitioner, husband of the deceased, he is not entitled to be enlarged on bail.

I have heard counsel for the parties and perused the records.

As per allegations raised in the FIR, the petitioner is a drug addict and had been giving beatings and causing harassment to the deceased. On 9.6.2016, the complainant received a telephonic call from the deceased that her husband was beating her under the influence of liquor. On 10.6.2016, she came to know that her daughter had consumed some poisonous substance and she was under treatment in PGI and she ultimately

breathed her last on 12.6.2016 at about 5/5-30 p.m.

Counsel for the State has not disputed that no mark of external injury was found on the dead body as per post mortem examination. The petitioner is in custody since registration of FIR. As has been rightly argued by counsel for the petitioner, it is a moot point to be decided during trial if the petitioner can be said to have abetted commission of suicide.

Taking into consideration rival submissions made by counsel for the parties, the present petition is disposed of with a direction to the trial court to conclude the prosecution evidence within a period of three months from the next date fixed in the proceedings. In case the trial court fails to conclude prosecution evidence within the stipulated period of three months without any fault attributable to the petitioner, he shall be released on bail subject to satisfaction of the said court. However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

The Registry is directed to ensure that the order reaches the trial court forthwith.

(Rekha Mittal)
Judge

21.2.2017
paramjit

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No