

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

**CRM-M-20083-2018
Date of decision: 01.08.2018**

Krishan Murari Joshi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Ms. Seena Mand, DAG, Punjab.

Mr. Ramesh Chand Sharma, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.149 dated 23.08.2017 under Sections 406/ 498A IPC and Section 306 IPC has been added later on, registered at Police Station Mehatpur, District Jalandhar.

Learned counsel appearing on behalf of the petitioner would contend that the deceased left the matrimonial home on 23.05.2017 and was residing with her parents till the date she died i.e. 27.08.2017. A reading of the initial DDR as got registered by the brother of the deceased would show that she got upset on receiving divorce papers and “consumed something”.

It is contended that offence under Section 306 IPC would not be made out while also arguing that an incomplete challan has been put up since the viscera report has not been received so far. The petitioner herein has been in custody since 27.03.2018 and the trial is likely to take some time. In this background, he prays for grant of bail to the petitioner.

Ms. Seena Mand, learned DAG, Punjab as well as learned counsel appearing on behalf of the complainant opposed the grant of regular bail while submitting that the allegations are serious in nature.

I have heard learned counsel for the parties. In view of the fact that the petitioner herein has been incarcerated since 27.03.2018 and incomplete challan has been presented in the Court (since the viscera report has not been received so far), the trial is likely to take some time to conclude, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

01.08.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.