

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

CRM-M-28587-2018

Date of decision:-13.9.2018

Sandeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Divjyot S. Sandhu, Advocate
for the petitioner.

Mr.Rakeshinder Singh Sidhu, AAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioner – Sandeep Kumar – an accused in FIR No.23 dated 25.2.2018, under Sections 306, 201, 148, 149 IPC, registered with Police Station Islamabad, Amritsar.

Briefly stated, the facts of the case as per prosecution story are that the criminal machinery in this case was set into motion by complainant Arjun Kumar, who in his statement made to the police of

Police Station Islamabad, Amritsar City on 25.2.2018 stated that her sister Madhu, since deceased, used to be harassed and maltreated by her husband - Sandeep Kumar, brothers-in-law Deepak Kumar @ Deepu, Karan and Rishi, mother-in-law Shama, father-in-law Ashok Kumar as well as grandmother-in-law Leelawanti; that Madhu and Sandeep Kumar had two children; that being fed up with the torture and maltreatment at the hands of her husband and family members mentioned above, Madhu committed suicide by hanging herself on ceiling fan on 25.2.2018; that the accused tried to cremate her dead body hurriedly. After registration of the FIR, the matter was investigated. Sandeep Kumar, accused was arrested on 14.3.2018. Challan against him only has been filed in the Court on 11.5.2018 since on an application having been filed by one Usha Rani, a relative of accused, an inquiry had been conducted wherein Leelawanti, Ashok Kumar, Shama, Deepak, Karan and Rishi were found to be innocent. The petitioner had filed an application for regular bail in the Court of Sessions, which was declined by learned Additional Sessions Judge, Amritsar vide order dated 27.4.2018, as such, he has approached this Court with same request.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

The main thrust of allegations is against the petitioner Sandeep Kumar, who is husband of the deceased Madhu. Madhu had committed suicide within seven years of her marriage with Sandeep

Kuamr. A married woman having two young children would not have taken that extreme step unless she was forced to do so by certain factors, which in this case according to prosecution were harassment, maltreatment and torture at the hands of her husband and in-laws family. The deceased had died in the matrimonial home. It is mainly for her husband and members of his family to explain as to how and under what circumstances, Madhu had committed suicide. The petitioner/accused is specifically named in the FIR. As a result of investigation, the police found enough evidence against the petitioner so as to forward him to face trial. The challan against the petitioner has since been filed. The trial is going to start very soon. The guilt of the petitioner shall be determined during the trial. The apprehension expressed by the State counsel that if petitioner is granted bail, there is every likelihood to his absconding and even trying to tamper with the prosecution evidence cannot be brushed aside lightly.

Therefore, finding no merit in the petition, the same stands dismissed.

13.9.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No