

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

Criminal Misc. No.M- 39417 of 2017(O&M)

Date of Decision: January 12 , 2018.

Raj Kumar PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.97 dated 28.05.2017 under Section 306 IPC, registered at Police Station Division No.5, Jalandhar.

It is submitted that the petitioner, who is the husband of the deceased, has been falsely implicated in this case. There is no evidence whatsoever to indicate the commission of an offence punishable under Section 306 IPC by the petitioner. No specific allegations have been raised against the petitioner by the complainant while recording the FIR. The unfortunate incident

in question has taken place on 27.05.2017. The complainant's daughter was taken to the hospital on 27.05.2017 itself, but the complainant refused to have his statement recorded on the same day. His statement was recorded on 28.05.2017 on the basis of which the abovesaid FIR was registered. It is stated in the FIR that the complainant's daughter committed suicide by hanging being fed up of her husband, the present petitioner. Learned counsel for the petitioner submits that there is no allegation of abetment or instigation by the petitioner, which led to the complainant's daughter committing suicide. Moreover, the complainant (PW2) as well as the sister of the deceased (PW3) have since deposed before the learned trial court. Minor daughter of the petitioner and the deceased is being looked after by the petitioner's mother, who is an old lady. She is unable to look after the child properly. The petitioner, it is submitted, is not involved in any other criminal case. Therefore, it is prayed that this petition be allowed.

Photocopy of the statements of the complainant (PW2) and sister of the deceased (PW3), produced in Court today, is taken on record subject to just exceptions.

Learned counsel for the State, on instructions from SI Amrit Lal, is unable to deny that the complainant and sister of the deceased have since testified before the learned trial court. The petitioner is not reported to be involved in any other criminal case. Trial in this case is not likely to conclude in the near future. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Raj Kumar is allowed. 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 clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

January 12 , 2018.
'om'

(LISA GILL)
JUDGE

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