

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

CRM-M No.48553 of 2018

Date of decision: 13th November, 2018

Surjeet Singh @ Bablu

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Deepak Arora, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. Dy. Advocate General, Punjab with
SI Jagir Singh from Police Station Kalanaur, Distt. Gurdaspur
for respondent No.1/State.

None for respondent No.2.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Surjeet Singh alias Bablu in this regular bail application filed under Section 439 Cr.P.C. in case FIR No.39 dated 12.07.2017 registered at Police Station Kalanaur, District Gurdaspur under Section 306 IPC, are that a marriage between the petitioner and deceased Puja Kaur took place in the year 2015 and shortly thereafter, the husband petitioner left for Dubai and did not send any money nor came back to India to carry on his matrimonial obligations and as a consequence of which, on 12.07.2017 the deceased is alleged to have been compelled to take aluminum phosphide leading to her death the same very day and registration of the present case in which the petitioner was arrested on 04.10.2018.

Learned counsel for the petitioner Mr. Deepak Arora, Advocate has contended that there is no element of abetment to suicide by the petitioner and purely because he failed to undergo his obligations of matrimony cannot be a cause that he was instrumental in abetting suicide by the deceased and that the petitioner is behind bars for more than one month and that the trial is not likely to be concluded in the near future.

On behalf of the State, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab on instructions from SI Jagir Singh from Police Station Kalanaur, Distt. Gurdaspur has sought to stoutly oppose the grant of bail on the grounds that the very lack of basic amenities to the deceased by the petitioner, his failure to fulfill his matrimonial obligations sufficiently constitute the element of abetment to suicide and has argued that if allowed bail the petitioner would influence the witnesses at the trial.

Appreciating the submissions, the case has been registered by Balwinder Kaur, elder sister of the deceased, and her knowledge has been derived from surrounding circumstances as the deceased is claimed to be residing with her after her husband failed to return from Dubai. In view of the very allegations levelled by the complainant, a debatable issue arises as to the applicability of Section 306 IPC. Culpability, if any, shall be determined at the trial which is not likely to be concluded in the near future. In view thereof, this Court is of the opinion that further detention

of the petitioner in the present case is unwarranted. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

November 13, 2018
rps

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