

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

CRM-M No. 539 of 2018

DATE OF DECISION :- February 20, 2018

Kuldeep Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Present:- Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

This petition for regular bail has been filed by petitioner Kuldip Kumar, an accused in F.I.R. No. 59 dated 9.6.2017 for offence under section 306/34 of the Indian Penal Code registered at Police Station City 2 Abohar.

The F.I.R. In question was registered on the basis of statement of complainant Neetu wife of Late Sampat Rai son of Jagdish Rai of Balmik community, resident of Sohan Singh Wali Gali, Waryam Nagar, Abohar, aged about 42 years, which she made to the police on 9.6.2017. Inter alia in her statement she stated that her husband Sampat Rai was mentally upset because of the social harassment and thereby committed suicide for the reason that their minor daughter Mamta, aged about 16 years had been kidnapped by Kuldeep Kumar (present petitioner) along with his father Raj Kumar, mother Pulli Devi and brother Gagan and Kuldip Kumar had married Mamta by giving her allurement representing that she was major.

That they tried their level best to get the girl back but they were threatened by the boy and his family members stating that marriage between Mamta and Kuldeep Kumar had been performed through Court. Her

husband Sampat Rai used to say that he was facing social harassment and he would commit suicide. According to the complainant she used to console him stating that he should not do so; that they had given a complaint at Police Station where Kuldeep Kumar, Raj Kumar, Pulli Devi and Gagan were called but custody of Mamta was not restored to them, therefore, Sampat Rai had committed suicide by hanging himself from the ceiling fan on intervening night at 9.00 P.M. On the basis of statement, formal F.I.R. was registered. Kuldeep Kumar was arrested on 15.6.2017, whereas regarding the other persons named in the F.I.R., an enquiry is stated to be pending.

Kuldeep Kumar is said to have been sent up to face trial by filing challan against him. It is stated that case is fixed for 26.2.2018 for framing of charge. Kuldeep Kumar had moved an application for regular bail before the Court of Sessions, which was dismissed by Additional Sessions Judge, Fazilka vide order dated 7.11.2017, as such he has approached this Court asking for similar relief, which is being resisted by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has submitted Mamta had got married with Kuldeep Kumar of her own and she had made a statement in that regard in the Court also; that petitioner had not abetted the suicide committed by the deceased; that the petitioner is behind bars for about 8 months, as such he be granted bail. Whereas the request is being opposed by the State counsel submitting that Mamta, at the time of marriage with petitioner Kuldeep Kumar was minor as such her consent is of no value and

as specifically mentioned in the F.I.R., father of Mamta was seriously perturbed on account of the fact that Mamta had been kidnapped by the petitioner and his family members, though no F.I.R. was registered.

After hearing the rival contentions, I find that keeping in view the facts and circumstances of the case no case for grant of regular bail to the petitioner is made out. The challan against him has been filed and it is expected that trial would be concluded in near future. The guilt of the accused would be determined during the trial, as such the petition lacks merit and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

February 20, 2018

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No