

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54121-2018 (O&M)

Date of decision: 13.12.2018

Sandeep Rahlan

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Kuldip Singh

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate for the petitioner.

Ms. Sunint Kaur, AAG, Punjab.

Counsel for the complainant.

Kuldip Singh, J. (Oral)

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.192 dated 29.08.2018 under Sections 306 of Indian Penal Code, registered at Police Station Sarabha Nagar, District Ludhiana.

Heard.

It is alleged that Sonal-deceased was married with Sandeep Rahlan 21 years back. They had two sons namely Raghuraj aged about 20 years and Pulkit aged about 14 years. It is alleged that Sandeep Rahlan used to maltreat the deceased-Sonal. She repeatedly asked him not to do so but he did not stop. About six months before the crime, Sandeep Rahlan became more aggressive and on 19.07.2018, he started beating up Sonal and as a result of which, an FIR was lodged against

Sandeep Rahlan at Gurgaon, where they were living. Sonal left the house of her husband along with children and came to her parents' home at Ludhiana. About 10 days before the crime, she came to the house of her maternal uncle namely Shri Rakesh Sabharwal, Advocate, Ludhiana. On 29.08.2018, she committed suicide by hanging herself with the ceiling fan. It is alleged that the beating given on 19.07.2018 was provocation to commit suicide. On the basis of these allegations, FIR No.192 dated 29.08.2018 under Sections 306 of Indian Penal Code was registered at Police Station Sarabha Nagar, District Ludhiana.

Petitioner was arrested on 07.10.2018 and is in custody since then.

In this case, challan has been presented.

Learned counsel for the petitioner contends that Sonal-deceased left the matrimonial house 40 days back and was living with her parents and later on with her maternal uncle and there is no immediate abatement on the part of the petitioner-accused.

On the other hand, learned counsel for the complainant has argued that on account of continuous harassment and beating, Sonal was depressed. Some days before the suicide, Sandeep Rahlan posted photographs of himself with another woman on the internet which resulted as provocation.

On instructions from ASI Sulakhan Singh, State counsel has stated that statements of two children of the deceased have been recorded. The deceased was living with her parents and maternal uncle 40 days

after the beating on 19.07.2018. Therefore, it will be a debatable issue during trial whether the case of the petitioner will be covered under Section 306 IPC or not as it is a matter of evidence. The mother of the petitioner has already been granted anticipatory bail by this Court vide order dated 22.11.2018, passed in CRM-M-43214-2018.

Considering that the petitioner is in custody for last 02 months & 03 days and the challan has been presented, further detention of the petitioner will serve no purpose. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing personal bonds in the sum of Rs. one lac with one surety of the like amount to the satisfaction of the trial Court, subject to the following conditions:-

- (1) Petitioner shall surrender his passport before the trial Court, if any, and shall not leave the country without prior intimation to the Court;
- (2) Petitioner shall not directly or indirectly give any inducement or threat or promise to any witness and
- (3) Petitioner shall attend the Court on each and every date of hearing before the trial Court and in case of his absence, trial Court shall be competent to cancel his bail.

Accordingly, the petition stands allowed.

(KULDIP SINGH)
JUDGE

13.12.2018
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Whether speaking/ reasoned:	Yes
Whether Reportable:	No