

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

CRM-M-2299 of 2019.

Decided on:- January 24, 2019.

Amandeep Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, D.A.G, Punjab.

Mr. Janak Singh Bhinder, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in FIR No.239 dated 16.12.2018 under Section 306 of the Indian Penal Code registered at Police Station City Sunam, District Sangrur.

The aforesaid FIR was registered against the petitioner at the behest of Baldev Singh father of deceased Ramandeep Kaur, who committed suicide. As per the FIR, Ramandeep Kaur was initially married with Sukhdev Singh resident of Sunami Gate, Sangrur. Out of this marriage, she was blessed with a son named Sherry aged about 2 years. However, three months before registration of the FIR in question, she had taken divorce from

Sukhdev Singh at Panchayat level and started residing separately at Sunam. During this process, she established some illicit relations with Amandeep Singh (petitioner herein). The petitioner used to visit the deceased to her house. However, on 15.12.2018 at about 08.30 P.M, the petitioner made a call from his mobile phone No.9815083326 on the phone No.9914460877 to Bikramjit Kaur, sister of the deceased, informing her that heart beat of Ramandeep Kaur was increased and he was taking her to Rajiv Singla Hospital near Bus Stand, Sunam. When the complainant along with his elder daughter Gagandeep Kaur reached the said hospital, Ramandeep Kaur had already died and the petitioner, who was present in the hospital, skipped from there.

Learned counsel for the petitioner has argued that the petitioner is in custody since 16.12.2018 and there is no suicide note left by the deceased on the basis of which the petitioner can be held liable as an accused. Merely because the petitioner arranged accommodation for the deceased and was frequently meeting her would not *ipso facto* lead to a conclusion that he was having illicit relations with her and abetted her to commit suicide.

On the other hand, learned counsel for the complainant has argued that the petitioner was instrumental in getting divorce of the deceased with her husband Sukhdev Singh as in the Panchayati compromise, he was a witness. Though he was already married, but still he assured Ramandeep Kaur that he will marry her, but when he did not marry her, she committed suicide. Power of attorney filed on behalf of the complainant in Court today, is taken on record.

Learned State counsel, on instructions from SI Jagga Ram, states that the allegations against the petitioner are serious in nature. Therefore, there is no ground to release him on bail.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 16.12.2018 and there is no suicide note in the case, this Court finds that the culpability of the petitioner is yet to be established during the trial. There is no allegation in the FIR that the petitioner abetted the deceased in any manner to commit suicide. Rather, it is the petitioner who had taken the deceased to the hospital.

Therefore, without observing anything on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

However, it is made clear that in case the petitioner influences the prosecution witnesses in any manner directly or indirectly, the prosecution shall be at liberty to seek cancellation of his bail.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

January 24, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No