

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-4592 of 2019

Date of Decision: February 07, 2019

Narinder Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Prashant Vashisht, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

FATEH DEEP SINGH, J. (Oral)

The petitioner/accused who is in custody since 17.07.2019 has moved this application under Section 439 Cr.P.C. in FIR No. 88 dated 17.07.2018 under Section 306 IPC registered at Police Station Sadar Faridkot.

The allegations against the petitioner are that he happened to be the husband of deceased Manpreet Kaur and the marriage has taken place around seven years ago prior to this occurrence which took

place on 10.07.2018. It is alleged by the complainant Gurmail Singh, father of the deceased that the accused/husband was carrying on extra marital relations with a girl to which his wife had just objected but he did not desist from carrying on with this relationship as a consequence of which the deceased is alleged to have consumed poison and died after week on 17.07.2018 and that is how the present FIR was got registered.

Counsel for the petitioner contends that the petitioner is behind the bars since a long time and that there is no allegation of petitioner having ever abetted the deceased to commit suicide and that the trial is not likely to be completed in near future.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab has opposed the grant of bail on the ground of seriousness of the allegations and heinousness of offence though concedes that there is no evidence to show abetment by the petitioner to this suicide by his wife.

Going through the submissions admittedly the petitioner is in custody since almost 8 months and a debatable issue has arisen over the applicability of Section 306 IPC, which would be determined only after leading the evidence together with the fact that culpability, if any, of the petitioner shall be determined at the trial which is not likely to be concluded in the near future. This Court is of the opinion that it is a fit case for grant of bail. Accordingly, the petitioner is

ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

Disposed off.

February 07, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No