

CRM-M-8590-2019

Date of Decision : 04.07.2019

Sushil Kumar Gavri

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. J.S. Jaidka, Advocate
for the petitioner.Mr. Harbir Sandhu, Asstt.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off second regular bail application under Section 439 Cr.P.C in a case bearing FIR No.115 dated 20.04.2018 filed under Section 306 of the Indian Penal Code registered at Police Station City Rajpura, District Patiala.

The allegations against the accused/petitioner-Sushil Kumar Gavri are that marriage between the petitioner and deceased-Chander Kala was solemnized on 21.11.1997 and out of which, the couple was bestowed with a girl child and it is alleged that there was often squabbles between the

husband and wife and in spite of intervention by the complainant, brother of the deceased, namely Barjinder Kumar Arora, the petitioner did not mend his way and consequently, on 19.04.2018, the deceased left her home and subsequently, her dead body was fished out of the canal area, Kurukshetra, leading to the registration of the present case and arrest of the petitioner on 27.04.2018.

Learned counsel for the petitioner *inter alia* contends that the petitioner has undergone incarceration for a period of more than one year and two months and that the allegations have come about after more than 20 years of successful matrimony and that the element of abetment of suicide is missing in the allegation of the prosecution.

On behalf of the State, the learned State counsel, assisted by ASI Lakhwinder Singh, Police Station City Rajpura, District Patiala, though does not displace the facts that have been canvassed before this Court by learned counsel for the petitioner but has opposed the grant of relief on the ground that it was at the behest of the husband that wife has taken this drastic step by jumping in the canal.

Appreciating the submissions of the two sides, admittedly, the petitioner and the deceased had resided together since last 22 years and that a debatable issue arises over the element of abetment to suicide together with the fact that petitioner is behind the bars since long time and thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be released on regular bail to the

satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

04.07.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No