

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM M-11560 of 2019

Date of Decision: March 20, 2019

Gurwinder Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Atul Goyal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Sukhwinder Singh Kainth, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off second regular bail application under Section 439 Cr.P.C. moved in FIR No. 286 dated 22.10.2018 under Sections 306/34 IPC registered at Police Station City Khanna, District Khanna.

Gurwinder Singh, who is in custody since 25.10.2018 has moved this second regular bail application as the first one was dismissed as withdrawn vide order dated 17.01.2019.

The facts are that petitioner-Gurwinder Singh was married to Jaspreet Kaur in the year 2008 and it is alleged that during the course of matrimonial life some differences have cropped up between them and it is alleged that on 22.10.2018, the deceased is alleged to have committed suicide by jumping in the canal and her Aactiva scooter was found parked near the bank leading to the registration of the present case on the complaint of the brother of the deceased.

Mr. Atul Goyal, learned counsel for the petitioner contends that neither prior to this FIR any allegations of harassment and cruelty by the petitioner towards the deceased wife had come about and that the couple had two children out of this wedlock and who are aged around 5 to 8 years and were living happily and the present case is based on mere suspicion arguing further that the parties have effected a compromise and placed reliance on Annexure P-6 further submitting that co-accused father-Surinder Singh and mother-Harbhajan Kaur of the petitioner have been allowed anticipatory bail by this Court vide order dated 06.02.2019.

Mr. Saurav Khurana, DAG, Punjab assisted by ASI Jagtar Singh, Police Station City Khanna and Sukhwinder Singh Kainth, Advocate for the complainant does not displace the facts brought to the notice of the Court. It is the own stand of the prosecution that for a period of ten years neither there were allegations of harassment and cruelty *interse* between the couple nor there is any suicide note much

less the specific role attributed to the petitioner in the commission of the offence.

In view of the fact that the petitioner is behind the bars, compromise (Annexure P-6) having been arrived at between the parties, the co-accused having been allowed bail and 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.

March 20, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No