

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

CRM-M No.14658 of 2019
Date of decision: 8th April, 2019

Gurwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Dr. Puneet Kaur Sekhon, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Gurwinder Singh in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.18 dated 25.01.2019 under Section 306 IPC pertaining to Police Station City Faridkot, have been levelled by Jaskaran Singh alias Jassa brother of deceased Amandeep Kaur. Precisely, the allegations are that marriage between the deceased and the petitioner took place eleven years ago out of which the couple was bestowed with two children. It is further alleged that the wife suspected infidelity of the husband regarding which they used to have petty quarrels and subsequently on 25.01.2019 the deceased died by consuming poison.

Learned counsel for the petitioner Dr. Puneet Kaur Sekhon, Advocate inter alia contends that a bare perusal of the FIR and the allegations levelled reveals that no case of abetment to suicide is made

out against the petitioner husband and that the petitioner is behind bars since a long time.

Learned State counsel Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Bhupinder Singh, Police Station City Faridkot though does not displace the facts brought to the notice of this Court by learned counsel for the petitioner, but has opposed grant of the relief on the grounds that the trial is underway.

Appreciating the submissions of the two sides, the own admission by the State and on perusal of the allegations contained in the FIR as well as the evidence brought on the record, a debatable issue arises over the very applicability of offence punishable under Section 306 IPC, which can only be adjudicated at the trial which is not likely to conclude in the near future. The petitioner is behind bars for a long time. In view thereof, without feeling the necessity to further advert on to the merits of the case, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridkot. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 8, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No