

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

CRM-M No.15773 of 2019
Date of decision: 11th April, 2019

Sukhdarshan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ashish Gupta, 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 Sukhdarshan Singh in this second regular bail application under Section 439 Cr.P.C. in case bearing FIR No.181 dated 07.08.2017 under Sections 306, 34 IPC pertaining to Police Station City Faridkot, have been levelled by complainant Ajaib Singh, father of the deceased wife Taranjeet Kaur. The brief allegations are that the deceased was working as ANM and was suffering from diabetes. It is further stated by the complainant that he received a telephonic message that the condition of his daughter has worsened and she was rushed to hospital and on the way she expired on the intervening night of 4th and 5th October, 2016 and considering the death to be natural under normal circumstances, they did not report the matter. The suspicion of the complainant arose subsequently on account of the fact when he

came to know that the petitioner husband was having an amorous relation with one lady of the adjoining village and fed up with this conduct of the husband the deceased had consumed poisonous substance and committed suicide. It is thereafter, upon subsequent application of the complainant present case was got registered after inquiry.

Learned counsel for the petitioner Mr. Ashish Gupota, Advocate inter alia contends that the petitioner is behind bars for the last almost seven months and a close look at the allegations at the initial level do not spell out any element of abetment to suicide; arguing further that it is after an inordinate delay of almost ten months the present FIR has come about and that there is no semblance of evidence to connect the petitioner with commission of this offence.

Learned State counsel Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Rajinder Singh Sodhi, Police Station City Faridkot though does not challenge the facts brought to the notice of this Court but has sought to vehemently oppose the grant of relief to the petitioner on the grounds that it was subsequently, during the inquiry, role of the petitioner in commission of the offence leading to commission of suicide by the deceased has come about and that if allowed bail the petitioner would stifle the trial.

Appreciating the submissions of the two sides, the petitioner is behind bars for more than seven months. It is the own stand of the complainant that initially he did not raise any suspicion over the cause of

death of his deceased daughter but subsequently at a belated stage after more than ten months the allegations have come about. Though it is the claim of the State that after two days of the occurrence the complainant has levelled allegations and has sought to place reliance on the result of the post-mortem examination that the death had occurred due to organophosphorus compound, however, keeping in view these peculiar circumstances, it would be in the fitness of things if the question of culpability of the petitioner is subject to the trial, together with the fact that the petitioner has already undergone sufficient long incarceration and thus, it is a fit case for grant of bail as the trial is not likely to conclude in the near future. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Faridkot. However, anything observed herein shall not be construed as an expression on merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 11, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No