

CRM-M-15709-2019

Date of Decision : 10.04.2019

Iqbal Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Vishal Nehra, Advocate and
Mr. Baljinder Singh, Advocate
for the petitioner.Mr. A.S. Sandhu, Addl.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Petitioner-Iqbal Singh, husband of the deceased has sought regular bail under Section 439 Cr.P.C in a case bearing FIR No.183 dated 27.11.2018 filed under Section 306 of the Indian Penal Code at Police Station Dasuya, District Hoshiarpur.

As per the allegations levelled by the complainant who happens to be father of the deceased, namely, Balwant Singh, alleges that the deceased and the petitioner were got married about 10 years prior to the incident and that the couple was bestowed with one girl child who as on date happens to be six years old. It is alleged that the petitioner who is

employed in the Army because of his drinking and weird habits had been often abusing physically and assaulting the deceased and while he was posted in District Amritsar, the accused/petitioner demanded money from the wife and her parents to enable him to raise the construction of his house and on the refusal has assaulted the deceased and thus, the deceased consumed poison leading to her death on 27.11.2018.

Learned counsel for the petitioner *inter alia* contends that a bare perusal of the FIR does not entail any specific role to the petitioner/husband in the commission of offence and that even the suicide note alleged to have been recovered during the investigation exonerates the petitioner who is behind the bars for almost 5½ months.

The learned State counsel, on instructions from ASI Gurminder Singh, Police Station Dasuya, District Hoshiarpur, does not displace the fact so canvassed at the bar by learned counsel for the petitioner but has sought to oppose the grant of bail on the grounds of seriousness of the offence and therefore, if allowed bail, he would stifle the trial.

Appreciating the submissions of the two sides and a bare perusal of the allegations enshrined in the FIR, a debatable issue arises over the applicability of offence under Section 306 of the Indian Penal Code which can only be adjudicated at the time of the trial. The petitioner is behind the bars, 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.

10.04.2019

Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No