

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-47667-2018

Date of Decision:19.03.2019

Sunil Kumar @ Shakti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Bipan Ghai, Senior Advocate with
Mr. Deepanshu Mehta, Advocate,
for the petitioner.**

Mr. Jagmohan Ghumman, D.A.G., Punjab.

**Mr. Barjesh Kumar Sharma, Advocate,
for the complainant.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.110 dated 05.09.2018 under Sections 306, 34 IPC, registered at Police Station Bareta, District Mansa.

Learned senior counsel appearing on behalf of the petitioner has produced correct translated copy of the FIR on the ground that in the earlier translated copy, there were some mistakes.

As per FIR registered at the behest of Santosh Rani, mother of the deceased, her daughter Kusum Rani got married about 14 years ago with Ram Gopal son of Dharampal, caste Mahajan, resident of Bareta. Petitioner is husband of the sister-in-law-Renuka Garg of the deceased(Kusum Rani).

Petitioner had an evil eye upon her as he wanted to develop illicit relations with the deceased to which she(Kusum Rani) resisted. On 03.09.2018, petitioner was continuously calling the deceased and troubling her, compelling her to have illicit relations with him. This fact was told by the deceased to the complainant. On 04.09.2018, petitioner has come to the house of the daughter of the complainant and tried to develop illicit relations with her to which the deceased objected. Petitioner gave her beatings and tried to have illicit relations with the deceased. Fed-up with this, she consumed some poisonous substance and died.

Learned senior counsel appearing on behalf of the petitioner has argued that the petitioner is in custody since 08.09.2018. He is married with Renuka Garg, who is sister-in-law (Nanad) of the deceased. He has argued that as per FIR, wife of the petitioner has allowed him to have illicit relations with deceased-Kusum Rani, which no wife would permit. The allegation in the FIR that the petitioner gave beatings to the deceased is false as in the post-mortem, no such struggle marks have been found on the person of the deceased. On the relevant date i.e. 04.09.2018, location of the mobile of the petitioner is in Punjab Copy House, Ludhiana and Kichlu Nagar, Ludhiana, which is far off from the place i.e. Bareta, where the deceased committed suicide. He has argued that the petitioner was having mobile No.9815029404 and the deceased was having mobile No.9417404047 and their location on the relevant date is at different places.

Learned counsel for the complainant has argued that there are serious allegations against the petitioner, as time and again, he compelled the deceased to have illicit relations with him and when the deceased has not responded to act of the petitioner, she resisted. Fed-up with this act on

the part of the petitioner, the deceased was left with no option except to commit suicide. He has further argued that the petitioner had not only possessing mobile No.9815029404, rather he had another mobile No.9876500256 as well.

Learned State Counsel on instructions from ASI Mewa Singh states that no doubt in the post-mortem report, no sign of struggle was found on the person of the deceased, but it has been found that she died because of consuming some poisonous substance i.e. aluminium phosphide. Petitioner has time and again compelled her to have illicit relations and therefore, the deceased committed suicide.

Heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 08.09.2018 and in the FIR, though there are allegations that the petitioner has given beatings to the deceased, but this fact having not been established in the post-mortem report, this Court finds that culpability of the petitioner is yet to be established during the course of trial. Moreover, out of total 18 witnesses cited by the prosecution, not even a single witness has been examined in the case so far. Thus, trial in the case will take sufficient long time, therefore, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

It is made clear that the petitioner shall not extend any threat and shall not try to influence any prosecution witnesses directly or indirectly in any manner.

March 19, 2019
seema

(HARI PAL VERMA)
JUDGE

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