

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-23897-2019

Date of Decision:12.09.2019

Amandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

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

**Present: Mr. Tarun Sharma, Advocate for
Mr. Jatinder Pal Singh Smagh, Advocate,
for the petitioner.**

Mr. Sukhbeer Singh, AAG, Punjab.

**Mr. Arihant Goyal, 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.160 dated 01.09.2018 under Sections 306, 34 IPC, registered at Police Station Canal Colony Bathinda, District Bathinda.

Learned counsel for the petitioner states that marriage of the petitioner was solemnized with Mamta Rani(deceased) about eight years back. As per FIR, the complainant was informed by the deceased about three months back that the petitioner is having illicit relations with Rimpi, who is daughter-in-law of the uncle(Surender Kumar) of the petitioner and for this reason, there used to be a dispute in the house. About ten days before the incident, there was a fight between the petitioner and the

deceased and the petitioner gave beatings to Mamta Rani and his mother. On 01.09.2018 at about 7 AM, petitioner has telephonically informed the complainant that Mamta Rani has hanged herself and therefore, he (complainant) should reach the house of the petitioner at the earliest. The sister of the complainant had committed suicide because of illicit relations maintained by the petitioner with Rimpi. He further states that as against total 11 witnesses cited by the prosecution, only 02 witnesses have been examined in the case so far. The version of the FIR is a *hear se* evidence. Even otherwise the marriage is about eight years old and the deceased was a lady of short temperament. Moreover, when it has come in the notice of the complainant that the deceased had disclosed about the factum of illicit relations to the complainant about three months back, but still no action was taken on these allegations. No common prudent person will wait for three months. Petitioner is in custody since 03.09.2018.

Learned counsel for the complainant has argued that earlier bail application filed by the petitioner was dismissed on 16.01.2019 and there is no fresh ground available to the petitioner for consideration of regular bail. The petitioner was having illicit relations with Rimpi and no wife would tolerate such relations and it is for this reason, the petitioner compelled her to commit suicide. Moreover, there is every apprehension that in the event of release of the petitioner on bail, he will extend threat to the complainant, as even while in custody he has been extending threats to the complainant and other witnesses. The deceased had died on 01.09.2018 i.e. after more than eight years of marriage, petitioner has been booked for offence under Section 306 IPC, otherwise he was liable to be booked for offence under Section 304-B IPC.

Learned State Counsel, on instructions from SI Beant Kaur, does not dispute the custody period, however, he states that the apprehension of the complainant that the petitioner is extending threat has not come to their notice as there is no such material on record to substantiate it.

Heard learned counsel for the parties.

The allegation against the petitioner is that he was having illicit relations with Rimpi, who is stated to be daughter-in-law of the uncle (Surender Kumar) of the petitioner. The marriage between the parties was solemnized about eight years back. The trial in the case is not likely to be concluded in the near future. As against total 11 witnesses cited by the prosecution, only 02 witnesses have been examined so far. Moreover, copy of the order dated 03.09.2019 has been produced on record, whereby learned trial court has observed that no PW is present. PW-ASI Dharam Singh has also not come present despite being bound down and for this reason,ailable warrants have been issued for his appearance. So far as the argument of the learned counsel for the complainant that earlier bail application was dismissed on 16.01.2019, this Court finds that the present petition has been filed after about four months and the petitioner is in custody since 03.09.2018. Thus, as on date his custody is more than one year. Therefore, this Court deems it appropriate to admit the petitioner 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.

However, it is made clear that the observations made

hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

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

In case, the petitioner extends such threats, the prosecution shall be at liberty to seek cancellation of his bail in the present case.

September 12, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No