

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-24329 of 2019 (O&M)
Date of decision : May 30, 2019

Ajay Vir Singh Duggal

....Petitioner

versus

State of U.T. Chandigarh

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sant Pal Singh Sidhu, Advocate, for the petitioner

Mr. Sukant Gupta, Addl. PP, UT Chandigarh

Mr. JS Mehndiratta, Advocate, for the complainant

Fateh Deep Singh, J. (Oral)

This regular bail application by accused Ajay Vir Singh Duggal is in case bearing FIR No. 30 dated 7.3.2019, under Sections 498-A, 306, 201 IPC, Police Station Mani Majra, Chandigarh.

The facts are as follows:-

The complainant who happens to be brother of deceased Seema wife of the petitioner in his voluminous complaint and to be in brief alleged that deceased and the petitioner were married on

25.2.2001 and out of this 18 years of matrimony the couple was bestowed with two children. It is alleged that the accused had secured loans from different banks, financial institutions, individuals including the family of the complainant/deceased and on account of surmounting dues towards the people could not manage to pay them back inspite of having sold certain properties belonging to him. It is alleged that the petitioner had pointed his ire towards the in-laws family including the complainant for not having supported him in his struggle to repay these amounts. It is alleged that even after selling one of his two cars, the accused was mentally torturing the deceased to enable him to sell off her ornaments to repay some of the defaulting amounts on account of which differences have cropped up between the couple. It is alleged that on 2.3.2019 on account of this conduct of the accused-petitioner the deceased was forced to take some poisonous substance and was rushed to the hospital where she died on 4.3.2019. The present case was got registered on 7.3.2019.

Mr. Sant Pal Singh Sidhu, learned counsel for the petitioner in his detailed lengthy arguments has sought to take recourse to the financial problems of the petitioner of having managed to clear the same though accepting that the couple

together were facing almost 20 complaints under the Negotiable Instruments Act. It is vehemently argued by the petitioner's counsel that the couple had a successful married life of more than 18 years with two male grown up children and there was neither any disagreement between them much less any quarrel and has sought to take refuge to the photographs placed on the record to portray that the couple had a rosy life style and has also placed reliance on application moved by the children to negate the complaint of the complainant to show that their parents had a very good relationship, concluding his submissions that the petitioner is behind the bars since a long time and the trial is likely to be prolonged and prayed for grant of bail.

Mr. Sukant Gupta, Addl. PP, UT Chandigarh assisted by Mr. JS Mehndiratta, Advocate, for the complainant have with much vehemence and force opposed the prayer of the counsel for the petitioner arguing that none of these loans stand fully paid and that the petitioner has been declared a proclaimed offender in certain criminal cases filed against him and that at no point of time in a stand even under Section 157 Cr.P.C. the accused has levelled any such allegation against the complainant for being instrumental into this quandary with the family. It is projected by the prosecution that

during investigations the suspected remnants could not be recovered and it was apparent that the accused was instrumental in removing this evidence for which offence under Section 201 IPC has been added concluding their detailed submissions having regards to the various transactions of the properties and the financial dealings and sought dismissal of the bail.

Having given a thoughtful consideration to these opposing submissions of the counsel on the two sides and with the support of the records before this Court, a bare perusal of the allegations levelled by the complainant what one could decipher is that the couple has landed themselves in a financial mess and which was the cause of mental stress to both of them. This Court does not feels it essential to comment upon the financial situation of the petitioner, his dealings with the bank, individuals and financial institutions or his act of alienating his properties and of the cause/effect of the application moved by the children against the complainant maternal uncle, but nothing crystalizes before this Court that it was the petitioner who was instrumental for abetting the deceased wife to commit suicide. The petitioner is behind the bars since a long time. Culpability, if any, shall be determined at the trial which is not likely to be concluded in the near future and thus, no purpose will be served by retaining the

petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Chandigarh.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

May 30, 2019
'tiwana'

(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No