

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

CRM-M No.32034 of 2019 (O&M)

Date of decision: 3rd December, 2019

Banarsi Lal

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amardeep S. Gill, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab
for respondent No.1/State.

Respondent No.2 in person along with
Mr. Fariad S. Virk, Advocate.

FATEH DEEP SINGH, J. (ORAL)

In this first regular bail application filed under Section 439 Cr.P.C. by petitioner Banarsi Lal, who is in custody in case bearing FIR No.49 dated 16.04.2019 under Section 306 IPC pertaining to Police Station Division No.1, Police Commissionerate Jalandhar, the allegations have come about by respondent No.2 Sudesh Kumar complainant. In his allegations, the complainant alleges that he was married with deceased Rajni on 05.05.2013, however the couple was not bestowed with any child and thereafter they adopted one Manak Sharma. It is alleged that the petitioner who was on friendly terms with the complainant entered into an amorous relation with wife of the complainant and took the wife and the child of the complainant along with him and after some time the wife

returned back and committed suicide on 14.04.2019 by means of hanging leading to registration of the present case in which the petitioner was arrested on 17.05.2019.

Learned counsel for the petitioner Mr. Amardeep Singh Gill, Advocate inter alia submits that it was the own act and conduct of the deceased in entering into this extramarital affair with the accused and being a grown up woman had started living with the accused and subsequently on realizing her folly had returned back and under depression committed the offence. It is contended that the parties have effected a settlement and placed on record affidavit of the complainant duly sworn before the notary public.

Learned State counsel Mr. Pawan Sharda, Sr. Dy. Advocate General, Punjab on instructions from SI Devi Chand has opposed the bail on the grounds of heinousness of the offence and that the trial is underway and the petitioner might influence the trial if granted bail.

Be that as it may, the complainant has appeared before this Court and has been identified by his counsel Mr. Fariad Singh Virk, Advocate, who has vouched for this compromise settlement and has made statement that he does not object if the petitioner is granted bail. In the light of what has come up before this Court and the facts enumerated above, this Court is of the opinion that it is a fit case to allow bail. Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

December 3, 2019

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No