

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

CRM-M No. 46080 of 2019

Date of decision : November 01, 2019

Umesh Sood

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Bawa, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Jasmeet Singh Ghuman, Advocate for the complainant.

GURVINDER SINGH GILL J. (ORAL)

1. Petitioner-Umesh Sood, seeks grant of regular bail in a case registered vide FIR No.47, dated 28.04.2019, registered at Police Division No.5, Jalandhar, District Police Commissionerate, Jalandhar, under Sections 306 and 201 IPC.
2. The FIR was lodged at the instance of Harjinder Singh, father of deceased wherein it has been alleged that on 27.04.2019, her daughter left home for her job in the morning but at about 2.30 p.m., he received a telephone call from Jatinder Pal Singh, who informed that complainant's daughter was serious and was admitted to DMC, Hospital, Ludhiana When the complainant reached the hospital, he met his brother Kulwant along with his son Jatinder Verma and one more person namely Umesh Sood. It is alleged that the complainant's daughter disclosed to the complainant that Umesh Sood was pressurizing her to solemnize marriage with him and when she refused for the same, he compelled her to consume '*sulphas*' tablets and

which she had consumed. It is further the case of prosecution that the complainant's daughter could not survive and expired at about 7.30 p.m. on the same day.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and in fact it is a case where the deceased and the petitioner were deeply in love, whereas their relationship was not approved by the complainant, who wanted to forcibly get the marriage of the deceased solemnized with someone else on account of which the deceased had ended her life by consuming poison.
4. Learned counsel for the petitioner has further submitted that in fact even the petitioner was deeply disturbed on account of the complainant not agreeing to the relationship of the petitioner with deceased and he had also consumed poison as would be evident from the medical report annexed with the petition as Annexure P-4.
5. Opposing the petition, learned State counsel assisted by the learned counsel for the complainant has submitted that it is in fact a case where the petitioner had forcibly administered poison to the deceased and is a case which would fall within the ambit of Section 302 IPC. Learned State counsel has, however, informed that challan already stands presented and that charges are, however, yet to be framed.
6. I have considered rival submissions addressed before this Court.
7. A perusal of photographs annexed with this petition as Annexure P-3 is suggestive of the fact that the deceased and petitioner were in some kind of relationship. Since the medical report issued by the DMC, Hospital (Annexure P-4) in respect of the petitioner shows that he had also consumed

poison, it will certainly be debatable as to whether the deceased had consumed poison on her own accord or as to whether she was forced to consume the same. In any case, since challan already stands presented, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Umesh Sood is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

November 01, 2019

sarita

Whether speaking / reasoned :

Whether Reportable:

Yes / No

Yes / No

(GURVINDER SINGH GILL)
JUDGE