IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

218 **CRM-M-64784-2018**

Date of Decision:14.01.2019

Gagandeep **.....Petitioner**

Versus

State of Punjab **.....Respondent**

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

Present: **Mr. Shaurya Puri, Advocate,**
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

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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.159 dated 21.06.2018 under Section 306 IPC, registered at Police Station Phillaur, District Jalandhar.

Learned counsel for the petitioner has argued that as per FIR registered at the behest of Kulwant Kaur (mother of deceased-Mandeep Kaur), Mandeep Kaur had died on account of consuming some poisonous substance. Mandeep Kaur after doing B.Sc. Nursing course was working as a staff Nurse in Patel Hospital, Jalandhar and was living in Mohalla Avtar Nagar, Jalandhar, by taking a house on rent. She died at DMC Ludhiana on 08.06.2018 after consuming some poisonous substance. He has further argued that Gurdeep Singh, father of deceased-Mandeep Kaur had made a statement during the inquest proceedings that Mandeep Kaur had died by consuming some poisonous substance herself for which no one is guilty and

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he does not want any legal proceeding against any one. He has further argued that once father of the deceased himself had stated that there is no foul play in the death of Mandeep Kaur, the allegation that Mandeep Kaur consumed poison because petitioner abated to commit suicide, is totally false. Petitioner is working as a Dialysis Technician in the same hospital, where the deceased Mandeep Kaur was working. The allegation that the petitioner was harassing her for marrying, which led to upsetting Mandeep Kaur is apparently false as the petitioner is already a married person. He further states that Mandeep Kaur had died on 08.06.2018, whereas the FIR was registered on 21.06.2018. There is inordinate delay in lodging the FIR.

Learned State Counsel on instructions from ASI Parminder Singh has argued that the petitioner was instrumental in commission of suicide by Mandeep Kaur, as he has not only harassed the deceased, rather he was staying with deceased-Mandeep Kaur and has given assurance to marry her. The suicide note was recovered during the treatment of Mandeep Kaur, who has given it to the attending doctor. As the suicide note was noticed at a later stage, there is a complete justification for delayed FIR for about 13 days, which is not fatal in the cases.

I have heard learned counsel for the parties.

The petitioner is in custody since 22.06.2018, the FIR was registered on 21.06.2018, though Mandeep Kaur had died on 08.06.2018. Statement of Gurdeep Singh made during the inquest proceedings does reflect that Mandeep Kaur was admitted in DMC Hospital, Ludhiana and during the treatment, Gurdeep Singh, father of deceased Mandeep Kaur had made statement that she died because of consuming some poisonous substance herself for which no one is guilty and he does not want to initiate

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any legal proceedings against anyone. This Court finds that the petitioner deserves to be given benefit of statement at this stage.

Be that as it may, these are the issues to be dealt with during the course of trial. Their culpability is yet to be established. Even the FSL report in the suicide note has not been received so far. Therefore, finding given on the suicide note is nothing but prejudging the issue. Considering the fact that the petitioner is in custody since 22.06.2018 and trial in the case will take sufficient long time, this Court deems it appropriate to admit him on regular bail at this stage.

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.

January 14, 2019 **(HARI PAL VERMA)**
seema **JUDGE**

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

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