

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

CRM-M No.27202 of 2018
Date of decision: 9th January, 2019

Mukhtiar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vipin Mahajan, Advocate for
Mr. Sandeep Arora, Advocate for the petitioner.
Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Mukhtiar Singh in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.12 dated 20.02.2018 under Sections 306/34 IPC pertaining to Police Station Dorangla, District Gurdaspur, have been levelled by Dilbagh Singh father of deceased Amandeep Kaur. As per the allegations, marriage between the present petitioner and Amandeep Kaur was solemnized around 13/14 years prior to the occurrence which took place on 18.02.2018, out of which the couple was bestowed with two children who still are minors. It is during the course of this matrimony, during a function at the house of the complainant on 18.02.2018 a dispute had arisen between the couple as a consequence of which the couple went back to their home and two days thereafter it is alleged that the wife

consumed poisonous substance leading to her death on the same very day.

Learned counsel representing the petitioner Mr. Vipin Mahajan inter alia contends that the petitioner is behind bars since 10.04.2018 and that a bare perusal of the allegations bears out that there is no element of abetment to suicide and that the couple was happily living for almost 14 years and it was on account of some depressive disorder the deceased has taken this step.

On behalf of the State, Mr. A.S. Sandhu, learned Additional Advocate General, Punjab on instructions from ASI Bhupinder Singh, Police Station Dorangla, District Gurdaspur has sought to oppose the grant of bail on the grounds that the husband had repeatedly nagged the deceased wife and which fact was brought to the knowledge of the complainant father and therefore, the challan has already been submitted and if allowed bail the petitioner might influence the witnesses.

Appreciating the arguments of the two sides, a bare perusal of the allegations enshrined in the FIR bears out that there are simple allegations of demand of gold articles and on account of harassment for non-fulfillment of this demand by the family of the complainant resulting in this occurrence. The couple has been married for almost fourteen years having two children and it is highly unacceptable that after such a long period of matrimony, such a demand would come about leading to harassment of the deceased at the hands of the petitioner husband. The

petitioner is behind bars since a long time. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. Accordingly, this Court is of the opinion that it is a fit case for grant of bail to the petitioner. Therefore, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurdaspur. 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

January 9, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No