

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-13121 of 2020 (O&M)
Date of decision : October 29, 2020

Ramesh Kumar

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Anterpreet Singh, Advocate, for the petitioner
Mr. Jagmohan Ghuman, DAG Punjab

Fateh Deep Singh, J. (Oral)

The matter has been taken up through Video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner-husband Ramesh Kumar has come up in this regular bail application under Section 439 Cr.P.C. in case FIR No. 98 dated 2.6.2018, under Sections 304-B/34 IPC, Police Station Moti Nagar, Ludhiana.

The allegations of the prosecution in brief are that the complainant Arvind Kumar brother of deceased Sushma, the later wife of the petitioner alleged that the marriage between the couple

was solemnized on 5.9.2011 where they have given sufficient dowry. The couple has been bestowed with two small children both minor. The allegations hover around the fact that the husband petitioner often used to ill treat the wife on account of demand of dowry and inspite of efforts of the girl's family, the accused did not mend his ways. It was on 2.6.2018 compelled with these circumstances, the deceased committed suicide by means of hanging.

Learned counsel for the petitioner inter-alia contends that the petitioner is behind the bars for more than 2 years and 4 months and that there are no specific allegations against the petitioner husband and it was almost in the 7th year of the marriage the unfortunate incident has come about due to psychological problems of the deceased.

The learned State counsel has not disagreed with the facts canvassed at the bar leading to this death but has strongly opposed the bail on the grounds that the trial is under way.

Appreciating the submissions, there is no specific role attributed to the petitioner and there are only general insinuations. The deceased had died by means of hanging and therefore, a wafer-thin margin lies between Section 306 IPC and Section 304-B IPC which can only be adjudicated at the time of trial. Keeping in

view the period of incarceration and the present COVID-19 pandemic and in view of the letter No. 12/16/2020-2H7/1139-1143 dated 7.8.2020 issued by the Government of Punjab, this Court deems it imperative to allow the present bail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

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.

October 29, 2020
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No