

(Proceedings conducted through video conferencing)

CRM-M-16759-2020

Date of Decision: 14.07.2020

VARINDER KUMAR @ BABBU

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Prateek Pandit, Advocate, for the petitioners.

Mr. H.S.Multani, AAG, Punjab.

Mr.Nitin Rampal, Advocate, for respondent No.2-complainant

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking regular bail in case FIR No. 258 dated 10.09.2019 under Section 306 of Indian Penal Code registered at Police Station City, Kapurthala, District Kapurthala.

Briefly, the aforesaid FIR has been registered on the basis of statement of Baljinder Kaur @ Baby alleging that her husband Amarjit had been working in the office of District Town Planner, Kapurthala. On 09.09.2019, her husband left for the duty at about 8:00 A.M. Thereafter, at about 2:30/3:30 P.M., she received a telephonic message that her husband Amarjit has consumed some poisonous substance and is admitted in Civil Hospital, Kapurthala. She alongwith her relatives came to Civil Hospital, Kapurthala and the doctors referred him to Civil Hospital, Jalandhar, where he was declared dead. It has been further alleged that the complainant found a suicide note from the pocket of the deceased wherein it was mentioned that the cause of death was Babbu Plumber, his mother and his sister-in-law. The complainant verified the actual name of Babbu as Varinder Singh i.e. the petitioner, his mother's name as Raksha Rani and the name of sister-in-law as Sonia. It has been further alleged that the accused used to take money out of the salary of her husband and further used to blackmail him.

It has been pointed out by learned counsel for the petitioner that he was the Creditor of the deceased as he had given a sum of Rs.85,000/-. The arrest of the petitioner was effected as back as in September, 2019, the investigation qua him is complete and challan has already been presented in the Court. Furthermore, an inquiry with regard to co-accused, namely, Raksha Rani and Sonia is still pending. Besides, a compromise has also been effected with the family members of the deceased.

The learned State counsel has not controverted the factual position but has asserted that merely because compromise has been effected between the parties, it cannot be construed as a ground to extend the concession of bail, particularly, because the deceased had also recorded a suicide note.

It may be mentioned here that as per the custody certificate, the petitioner is in custody for the last more than 10 months. The genuineness and evidentiary value of the suicide note will be seen during the course of trial.

Keeping in view the abovesaid facts, no useful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

14.07.2020
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(VIVEK PURI)
JUDGE

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