

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

**CRM-M-26975 of 2020 (O&M)
DATE OF DECISION : 11.12.2020**

Rahul

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

**Present : Mr. S.S. Momi. Advocate,
for the petitioner.**

Mr. B.S. Sewak, Addl. AG Punjab.

**Ms. Aashna Gill, Advocate
For the complainant.
(Presence marked through video conference)**

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 58 dated 24.06.2020, registered under Section 306 IPC, at Police Station Julkan, District Patiala.
2. Per FIR, complainant Gurcharan Singh got married to deceased 12 years back and they were blessed with three children. He is working as a Private Security Guard with Food Supply Department at Ladwa. On 23.06.2020 he was in his house, when his wife went to rear room and consumed celphos. On enquiry, she disclosed that their neighbor Rahul (petitioner herein) is harassing her in his bid to develop illicit relationship with her. To avoid the likely disrepute, she has had consumed celphos. The complainant shifted his wife to hospital, where she died. In his statement, complainant also apprised the police that in the past also a Panchayat was convened regarding harassment by Rahul to the wife of complainant, wherein Rahul had tendered apology and assured not to do any such act in

future. But he did not mend his ways and used to harass wife of the complainant on phone and also teased her when she would pass by in the street. Just to avoid further insult and humiliation, wife of the complainant committed suicide.

3. On these broad allegations, case was registered. Petitioner was arrested on 25.06.2020. Investigation in the case has been concluded and final report under Section 173 Cr.P.C. has been filed in the Court.

4. Learned counsel for the petitioner submits that as per allegations a 30 years old mother of three children was allegedly under mental stress, purportedly because the petitioner wanted to have illicit relationship with her against her wishes. Her mental stress eventually drove her to commit suicide, resulting in registration of present FIR against the petitioner under Section 306 IPC, attributing him the role of abetment to suicide. According to him, the petitioner is just 19 years old and was not in any such alleged position to exert any kind of pressure upon a mature lady of 30 years to have illicit relationship with him. He argues that in fact there was matrimonial discord between the deceased and her husband/complainant due to which she was under constant mental stress.

5. On the other hand, learned State counsel, assisted by learned counsel for the complainant, opposes the bail plea. According to them, the petitioner had been continuously teasing, harassing and pressurizing the deceased to have illicit relationship with him, which in turn, drove the deceased to commit suicide. According to them, there are specific allegations against the petitioner and if he is enlarged on bail, there is every apprehension of his influencing the witnesses. Learned counsel for the complainant further submits that petitioner has made a feeble attempt to

paint a picture of matrimonial disharmony between the deceased and the complainant just to wriggle out of his criminal liability.

6. On a query of the Court, learned State counsel admits that investigation is over and *challan* has been presented. He did not dispute that no criminal antecedents are found qua the petitioner, who is in custody since 25.06.2020 and that there is not much progress in the trial.

7. Having heard learned counsel for the petitioner and learned State counsel assisted by learned counsel for the complainant, I am of the view that given that the petitioner is a 19 years old young boy/student, *prima facie*, it seems difficult to believe that he was in a position to influence the deceased to enter into any kind of relationship with him against her wishes. In any case, without commenting on the veracity of allegations attributed to the petitioner and keeping in view that he is on cross roads of his career and having already been under incarceration for more than 5 months, particularly, when the investigation is already complete and *challan* has been filed, I am of the view that his further preventive custody is not required. Also, currently there is no headway in the trial and the same is not likely to commence or conclude anytime soon due to covid-19 pandemic restrictions. Courts are presently working with restrictions and taking up only urgent matters. Considering the overall scenario, the petition is allowed.

8. In the premise, petitioner shall be released on bail on his furnishing bail bonds and local surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be. The petitioner will not try to contact or influence any witness relating to the case. It is however, made clear that trial Court shall proceed with trial without being influenced by any

observations made by this Court, *ibid*, as the same are for the purpose of adjudicating the bail petition only.

December 11, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No