

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

CRM-M-41409 of 2020.

Decided on:- December 17, 2020.

Davinder Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

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

Present:- Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439 Cr.P.C. seeking regular bail in FIR No.211 dated 17.07.2020 under Section 306 IPC registered at Police Station Sultanpur Lodhi, District Kapurthala.

The aforesaid FIR was registered against the petitioner on the basis of complaint made by Avtar Singh, who suffered a statement to the effect that his sister Surinder Kaur was married with the petitioner on 08.02.2004. Two sons, aged about 15 years and 13 years, were born out of this wedlock. His sister Surinder Kaur (deceased) was subjected to mental cruelty by the accused including the petitioner. The accused put her under pressure to bring share of land from her parents and she was not treated well in the matrimonial home. After taking the help of one of their relative, who is doctor at Josan Hospital, Shahkot, her (deceased) uterus was removed and

when she (deceased) came to know about this fact, she went under depression. The accused were levelling allegations that she was not bearing good character.

Learned counsel for the petitioner has argued that Surinder Kaur had died in the house of her parents. The petitioner has never created such circumstances leaving no option for the deceased to commit suicide. Since the deceased used to have pain in her stomach and there was a cyst in her uterus, the same was removed from Josan Hospital, Shahkot. The petitioner has never given taunts to the deceased and, rather, two sons born out of this wedlock are staying with the petitioner. He has referred to the medical treatment (Annexure P-3) given to the deceased from time to time.

He has further argued that a petition under Section 13 of the Hindu Marriage Act, 1955 seeking dissolution of marriage was filed by the petitioner as the deceased was indulged in extra-marital activities. It is the petitioner who has suffered great physical and mental torture. The petitioner had apprised about the illicit relations of the deceased to his mother-in-law and brother-in-law. Since this fact was brought to the knowledge of her parents, she committed suicide in the house of her parents. The petitioner is in custody for the last about 4 months and 22 days.

Learned State counsel has submitted that there are serious allegations against the petitioner that he harassed the deceased and she had no option but to commit suicide. In this manner, the petitioner has been booked under Section 306 IPC.

I have heard learned counsel for the parties.

The petitioner is in custody for the last more than 4 months and 22 days. There was matrimonial discard between the petitioner and his wife Surinder Kaur (since deceased). A divorce petition was also filed by the petitioner before the family Court, Jalandhar, wherein the petitioner has made allegations about her character. As regard the allegation in the complaint that the petitioner demanded share of the property of the parents of deceased, nothing can be commented regarding that allegation without leading the evidence. The allegation that the deceased was not treated well is also a matter which is required to be adjudicated during the trial. Two sons born out of the wedlock are staying with the petitioner. Therefore, this Court finds that no useful purpose would be served by detaining the petitioner in further custody.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 17, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No