

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-50501-2019

Date of Decision:07.01.2020

Ajay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Munish Puri, Advocate,
for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.43 dated 20.05.2019 under Section 306 IPC, registered at Police Station Govt. Railway Police, District Pathankot.

Learned counsel for the petitioner has argued that the marriage of the petitioner with the deceased Shashi Bala was solemnized in the year 2004 and out of this wedlock, there are two children i.e. one daughter namely Prachi, aged about 10 years and one son namely Sushil Kumar, aged about 09 years. He has argued that the allegation against the petitioner is that he is in the habit of taking liquor and used to snatch money from the deceased, so as to consume liquor. When the petitioner was not being paid money by the deceased, he used to give her beatings. On 18.05.2019, the complainant has telephonic conversation with the petitioner and during this

conversation, he heard the voice of his sister(deceased) who was crying. Later on the complainant came to know that the petitioner has given beatings to his sister on 18.05.2019 and turned her out of the matrimonial house. When she returned back in the night hours, petitioner asked her as to why she has come back and why she is still alive. He again gave her beatings. Faced with this harassment, the deceased has committed suicide while jumping before the train.

Learned counsel for the petitioner has argued that the petitioner is in custody since May 2019. At the most, the allegation against the petitioner is that he is in the habit of taking liquor. It being a marriage of 2004 prior to registration of FIR, no such complaint was ever made by the deceased or by the complainant to the police. Further, the deceased has left behind two small children, a daughter aged about 10 years and a son aged about 09 years and both of them are suffering adversely as they are being looked after by the parents of the petitioner who are otherwise old persons.

Learned State Counsel, on instructions from ASI Natha Ram, does not dispute the custody period. However, he submits that it is on account of repeated harassment being caused at the behest of the petitioner, the deceased was left with no option except to commit suicide and in this manner, petitioner has compelled her to take this extreme step.

Heard learned counsel for the parties.

Petitioner is in custody since May 2019 is not in dispute. In the FIR, there is no such allegation that before the alleged incident, the matter was ever reported to the police by the deceased or by the complainant. Marriage of the petitioner with the deceased was solemnized in the year 2004 and out of this wedlock, there are two children i.e. one daughter, aged

about 10 years and a son, aged about 09 years. It is only after leading evidence by the prosecution, it would be established that the petitioner is guilty for commission of offence under Section 306 IPC. Therefore, culpability of the petitioner is yet to be established during the course of trial. Thus, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall proceed with the trial independently without being influenced by the order of bail passed by this Court.

January 07, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No