

CRM-M-4697-2021 (O&M)

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

**CRM-M-4697-2021 (O&M).
Decided on: February 8, 2021.**

Shamsher Singh

.. Petitioner

VERSUS

State of Punjab and another

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Krishan Sehajpal, Advocate,
for the petitioner.**

Mr.Luvinder Sofat, AAG, Punjab.

**Mr.Umesh Kumar Kanwar, Advocate,
for respondent No.2.**

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.223 dated 7.8.2020, under Sections 306/34 IPC, registered at Police Station Beas, District Amritsar.

As per the FIR lodged on the basis of statement of Shamsher Singh son of Lakhwinder Singh, who is brother of the deceased,

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his sister namely Amandeep Kaur (deceased), was married to Shamsher Singh (petitioner), which was second marriage and the same was solemnised on 15.4.2017. After 5 months of the marriage, the petitioner and his family members started harassing his sister on some excuses and after giving beatings, they used to turn her out from the home and on the asking of the respectable, she was sent to the matrimonial house. At about 11:00 A.M., the petitioner as well as his mother and sister abused the sister of the complainant and because of that she ended her life by taking some poison.

Learned counsel for the petitioner has submitted that the present FIR has been registered under Section 306 IPC however, the ingredients of Section 306 IPC are not attracted as neither the FIR nor the investigation process suggests that there is any instigation at the instance of the petitioner. He has further submitted that the petitioner is in custody since 7.8.2020 which is almost 6 months and the investigation in the present case is complete and challan has been presented on 5.10.2020. He has further submitted that the petitioner is in the service of merchant navy and his career is being jeopardised due to prolonged custody. He has further submitted that there is no other case against the petitioner and since the conclusion of trial will take long time, the petitioner may be considered for the grant of regular bail.

On the other hand, learned State counsel, on instructions from ASI Jatinder Singh, has submitted that it is correct that the petitioner is in custody since 7.8.2020 i.e. for the last about 6 months and after completion of investigation, the challan has been presented on 5.10.2020

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and now the matter is fixed for framing of charges. He has also submitted that the petitioner is not involved in any other case. However, with regard to ingredients of Section 306 IPC, he has submitted it is a matter of trial where it may be established as to whether the ingredients of Section 306 IPC are fulfilled or not. However, he has opposed the grant of regular bail on the ground that it is a case of suicide by married lady and therefore, petitioner does not deserve the concession of regular bail.

Learned counsel for the complainant has supported the statement made by the learned counsel for the petitioner and has submitted that the sister of the complainant was having short temperaments.

I have heard the learned counsel for the parties.

It is not disputed that the petitioner is in custody since 7.8.2020 i.e. for the last about 6 months and after completion of investigation, the challan has been presented on 5.10.2020. The complainant has also supported the submissions made by the learned counsel for the petitioner. It is not the case of the State that in case released on bail the petitioner influence the witnesses or tamper with the evidence.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to allow the present petition. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the concerned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only

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for the purpose of decision of present petition.

February 8, 2021.
raj arora

JASGURPREET SINGH PURI)
JUDGE

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