

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

CRM-M-9753 of 2021(O&M)

Date of Decision: 03.06.2021

Naresh Kumar

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

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

Mr. Sukhbeer Singh, AAG., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioner, seeks the concession of bail pending trial in FIR No.134 dated 08.07.2020, under Sections 306, 34 IPC, registered at Police Station Division No.2, District Pathankot.

It is submitted that the petitioner has been falsely implicated on the basis of an alleged suicide note left by the deceased-Parveen Kumar @ Sunny. It is submitted that said suicide note itself is suspect and appears to be a fraudulent one, set up by the family members of the deceased in order to negate any claim which the wife and daughter of the deceased may raise *qua* property of the deceased. Learned counsel submits that the deceased was basically illiterate and could not have written the alleged suicide note. It is stated that mother of the deceased-Parveen Kumar @ Sunny had died long time ago and his father had solemnized second marriage. Relations of the deceased with his step brother and father were not smooth. It is submitted that Parveen Kumar @ Sunny died due to

electric shock. It is further submitted that no case under Section 306 IPC is made out against the petitioner, who is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the respondent-State has opposed this petition.

Heard learned counsel for the parties and have gone through the file with their assistance.

FIR No.134, has been registered on the basis of alleged suicide note left by the deceased with the allegations that his wife had been enticed by the present petitioner and his daughter taken along with, by his wife. Allegations have also been raised against aunt (Chachi) of the petitioner. It is stated that being disturbed by the three persons i.e., the petitioner, wife of the deceased and aunt of the petitioner, he committed suicide. Learned counsel for the respondent-State, is unable to point out anything on record to indicate matrimonial discord between the deceased and his wife prior to the unfortunate incident in question. Co-accused-Rimpy, has been afforded the concession of bail pending trial. Co-accused-Jyoti, aunt of the petitioner, was afforded the concession of anticipatory bail. Presence of necessary ingredients constituting an offence punishable under Section 306 IPC, is a moot point, at this stage.

Learned counsel for the respondent-State, on instructions from ASI Ramesh Kumar, verifies that the petitioner is not involved in any other criminal case and the challan/final report under Section 173 Cr.P.C., stands presented.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case

as well as the peculiar conditions created due to the outbreak of pandemic COVID-19.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Naresh Kumar, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

03.06.2021
s.khan

[LISA GILL]
Judge

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