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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11538 of 2021
Date of Decision: 18.03.2021

TARSEM SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohit Sadana, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.254 dated 01.10.2020, registered under Sections 306, 34 IPC at Police Station Lehra, District Sangrur.

The FIR was registered on account of death of wife of petitioner, who committed suicide.

As per prosecution case, the deceased committed suicide on account of excessive intake of liquor by the

petitioner. The allegations are that after consuming liquor, the petitioner used to quarrel with the deceased. The FIR was lodged by the brother-in-law of the petitioner. The alleged suicide note is undated and unsigned.

Learned counsel for the petitioner submitted that marriage of the petitioner was solemnized with Mandeep Kaur about 8 years ago. One child took birth out of this wedlock. The petitioner had to leave her parental house on account of persuasion of the deceased.

Learned counsel further submitted that the ingredients of offence under Sections 306 IPC are not attracted as there was no concerted effort on behalf of the petitioner to abet the commission of offence. Petitioner is in custody since 03.10.2020. Parents of the petitioner have been granted anticipatory bail by this Court vide order dated 06.01.2021 passed in CRM-M Nos.35125 of 2020 and 37401 of 2020 respectively as they are living separately from the matrimonial house of the petitioner.

Learned State counsel however opposed the bail on the ground that at the time of arguments in CRM-M No.37401 of 2020, learned counsel for the complainant appeared and opposed the bail on the ground that private expert at the instance of the complainant has given a report of comparison of

Handwriting and found the same to be of Mandeep Kaur. Learned State on instructions from the police official submitted that the police has not sent any handwriting to any government expert for want of alternative handwriting of the deceased on any document.

Taking note of the aforesaid facts and circumstances and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 18, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No