

219

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

**CRM-M No.17091 of 2021(O&M)
Date of Decision: 28.04.2021**

Manjeet Singh

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, 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.252 dated 20.12.2020 registered under Section 306 IPC at Police Station Sadar Patiala, District Patiala.

As per allegations of the complainant, Parkash Kaur was married to Lakhwinder Singh in the year 2004. After grant of divorce from Lakhwinder Singh in the year 2006, Parkash Kaur was married to the petitioner and no child was born out of

this wedlock. On 19.12.2020, the complainant received a telephonic call from brother of the petitioner namely Karamjit Singh who told the complainant that Parkash Kaur has committed suicide by hanging herself from a sealing fan.

Learned counsel for the petitioner submits that the petitioner was married 10 years ago. There was no complaint of any harassment and maltreatment at the instance of the petitioner. Ingredients of offence under Section 306 IPC are not attracted. In order to constitute offence under Section 306 IPC, there has to be concerted effort to abet the commission of offence till last resort, where the victim had no alternative but to commit suicide as the abetment has to be to the hilt. No suicide note has been left by the deceased. Challan has been presented. Charges have been framed, but no prosecution witness has been examined so far. Petitioner is in custody since 20.12.2020 and the complicity of the petitioner would be dependent upon the evidence to be led by the prosecution and rebuttal made by the defence. Learned counsel further submits that the deceased could not conceive child and was living under distress.

On the other hand, learned State counsel submits that the petitioner did not inform the complainant in respect of suicide of the victim. In view of matrimonial status of the

petitioner, it was he who could know the cause of committing suicide.

Be that as it may, since challan has been presented, charges have been framed, petitioner is in custody since 20.12.2020 and the offence under Section 306 IPC would be dependent upon the satisfaction of ingredients of offence, which are required to be meant on stringent basis, I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular 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.

28.04.2021

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No