

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

207

**CRM-M-19102-2021
Date of decision: 24.05.2021**

Mukesh Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Manjinder Singh , Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.0196 dated 24.12.2020 registered under Section 306 of the Indian Penal Code, 1860 (for short, "the IPC") in Police Station Sadar, District Hoshiarpur.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by learned State Counsel. However, no reply has been filed by the respondent-State.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Deceased Amandeep Kaur consumed some poisonous substance. The petitioner and his sister got the deceased admitted in the hospital who died on the next day. The petitioner has been implicated for commission of offence punishable offence under Section 306 of the IPC, on complaint made by Dalvir Kaur, mother of the deceased, for the reasons that the petitioner and his sister had taken the deceased to the hospital without informing the complainant and other family members of the family. In DDR lodged by the complainant on 21.06.2019 the complainant had stated that she did not have any suspicion regarding involvement of anyone and did not want any action to be taken against anyone as her daughter might have consumed some wrong medicine. The petitioner did not abet or aid commission of suicide by the deceased and there is no *iota* of evidence to connect the petitioner with the alleged offence under Section 306 of the IPC which is not made out by the facts alleged. The trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner and his sister got the deceased admitted in the hospital in mysterious circumstances without informing the family members of the deceased. The petitioner abetted the commission of suicide by the deceased. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail.

Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, absence of specific allegations/attribution regarding alleged abetment and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case as the same may prejudice case of either of the parties, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.05.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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