

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 214

CRM-M-23549-2021

Date of decision : 13.08.2021

Satnam Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Ramandeep, Advocate, for the petitioner.

Mr.J.S.Ghumman, DAG, Punjab.

DEEPAK SIBAL, J. (ORAL)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.3 dated 08.01.2021, registered under Sections 306 and 34 IPC at Police Station Ghagga, District Patiala, Punjab.

The petitioner is being prosecuted for having abetted his wife's suicide.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated; he is in custody since 30.01.2021; the allegations against the petitioner are that before his wife committed suicide she was given beatings by him for which there is no medical evidence; the complainant alleges that he came to know of the beatings given by the petitioner to the deceased from the villagers which is hearsay evidence and thus not admissible; none of the villagers who allegedly told the complainant with regard to the beatings have been joined in by the prosecution; there is no suicide note left by the deceased; the petitioner and the deceased got married in the year 2007 and for over 13 years there is no complaint on record by the deceased with regard to any maltreatment by the petitioner; there is an

unexplained delay of two days in lodging of the FIR; even if the case of the prosecution is taken as a gospel truth, though vehemently denied, no case of abetment under Section 107 IPC is made out against the petitioner; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has abetted his wife to commit suicide.

The effect of two days' delay in lodging of the FIR; whether the provisions of Section 107 IPC are attracted to the case in hand and whether any beatings were given by the petitioner to the deceased prior to her having committed suicide would be debated during the course of the petitioner's trial. However, the petitioner is in custody since 30.01.2021; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation and that his trial is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Patiala the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

13.08.2021
shamsher

[DEEPAK SIBAL]
JUDGE

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