

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

222

CRM-M No.29390 of 2021
Date of decision:31.08.2021

Aman Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. B.S. Sidhu, Senior Advocate with
Mr. Divij Datt, Advocate for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Gurbir Singh Sandhu, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.37, dated 18.02.2021 registered under Sections 306, 511 and 506 IPC, 1860, (challan was presented under Sections 306 and 506 IPC) at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib, Punjab.

As per the version of the prosecution, FIR has been registered on the statement of Munish Kumar @ Kala, brother of the deceased, Naveen Kumar, on the allegation that his sister-in-law (Naveen Kumar's wife) Priyanka had illicit relations with her neighbour Aman Kumar (present petitioner) as a result of which Naveen Kumar used to remain under depression and despite his objections, Aman Kumar did not desist. Sita Rani, mother of Aman Kumar supported her son. Fed up with the adulterous relationship, Naveen consumed some poisonous substance on

17.02.2021 around 09.30 pm alongwith his two minor children, namely, Kabir aged 08 years and Tanya, aged 07 years followed suit. Naveen Kumar expired on 22.02.2021 and Tanya died on 18.02.2021.

Counsel for the petitioner has contended that the petitioner has been falsely framed and the basic ingredients of offence under Sections 107 and 306, IPC are not satisfied. He has invited the attention of the Court to the status report filed on behalf of the respondent-State by way of an affidavit of Deputy Superintendent of Police, Sub Division Sri Muktsar Sahib, which is taken on record, the relevant extract of which is as under:-

“(iii) The postmortem of the deceased Naveen Kumar @ Bhola was got conducted from Civil Hospital, Sri Muktsar Sahib vide postmortem report No.NG/FM/SMS/PMR/07/2021 dated 23.02.2021. The viscera of the victim Naveen Kumar was sent to the office of the Chemical Examiner, Kharar and in the chemical report No.2652 dated 30.06.2021 received by the police, it was reported that there is no poison. The opinion regarding the cause of death of the victim Naveen Kumar as given by the Doctor, is reproduced herebelow:-

“The cause of death in this case in my opinion is Multiorgan dysfunction syndrome as result of underlying disease pathology which is sufficient to cause death in ordinary course of nature.”

Counsel submits that the allegation of a video recording wherein deceased has accused the petitioner of making an obscene video of Priyanka, has been introduced by the prosecution as an after-thought and there is no such allegation in the FIR. He asserts that the petitioner, who has clean antecedents, is in custody since 26.02.2021 and is no longer required for custodial interrogation as the investigation is complete, challan has been presented, charge has been framed and therefore, the petitioner deserves to be released on bail.

Opposing the petition, learned State counsel, who is assisted by Mr. Gurbir Singh Sandhu, Advocate for the complainant submits that there are specific allegations against the petitioner and he has been named in the FIR. Upon instructions from ASI Jasbir Singh, it has been argued that the petitioner was a paramour of the deceased's wife, he had made obscene video of her and was blackmailing her which instigated the deceased to end his life. As per the instructions of State counsel, challan has been presented on 26.04.2021, charge has been framed on 16.08.2021, but out of 35 prosecution witnesses, no witness has been examined so far.

Having examined the facts and circumstances of the case, this Court is of the opinion that it would remain debatable as to whether the petitioner abetted the deceased to commit suicide. The petitioner is in incarceration for the last more than six months and the trial is likely to take time to conclude. This Court is, therefore, of the view that the petitioner deserves to be released on bail during the pendency of the trial.

Without commenting upon the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

31.08.2021
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No