

CRM-M-30653-2021

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

CRM-M-30653-2021.
Date of Decision:-27.09.2021.

Ravinder Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav Partap S. Pathania, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0034 dated 28.03.2021 under Section 302 IPC, which has now been deleted and the offence has been reduced to under Section 306 IPC, registered at Police Station Sadar Pathankot.

Learned counsel for the petitioner has submitted that initially the case had been registered under Section 302, IPC but after the suicide note of the wife of the petitioner was recovered, the same was converted into the case of Section 306, IPC. Learned counsel for the petitioner has submitted that the marriage of the petitioner and the deceased was

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performed 16 years ago and there is no complaint made by the deceased against the present petitioner. Reference has also been made to the suicide note, which has been annexed as Annexure P-3. The said suicide note is reproduced hereinbelow:-

SUICIDE NOTE

“I Laxmi devi in my full conscious is writing I am very upset with my life, I do not want to burden on others, my parents are in deep grief because of me. as long as I am alive they will remain in deep sorrow, I love my children very much because I love my parents very much if there will be anything bad with them because of me I could forgive myself as my parents supported me in all circumstances I have no grief of my death, nobody cares if I am alive and do not know what they will say if I will die, I want to say my husband that if he did not do anything for me but give success to my children I fulfill my duty as a wife if there is any complaint forgive me.”

Further reference has been made to the challan in which as per the handwriting expert's opinion, the said suicide note has been written in the handwriting of the deceased. It is submitted that even a perusal of the postmortem report would show that the present case is not a case of homicidal strangulation inasmuch as there was no presence of blood or froth in the mouth. It is submitted that the brother of the deceased has got the FIR registered by making false allegations, as the same are contrary to the suicide note and no injury has been caused by the petitioner to his wife. It is also submitted that the petitioner has not been involved in any other criminal case and the petitioner has two minor children and after having

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lost their mother, they are living with the parents of the petitioner but the learned counsel for the petitioner prays that the said minor children need the love and affection of their father i.e., the petitioner. It is also submitted that the petitioner has been in custody since 05.04.2021 and the challan has already been presented in this case and, thus, prays for grant of regular bail to the petitioner.

Learned State counsel, on the other hand, has opposed the present bail application by stating that the challan has been filed and there are 29 witnesses but in the present case, the charges have not been framed and prays that the material witnesses be examined. In rebuttal to the same, learned counsel for the petitioner has submitted that the petitioner has not been involved in any other criminal case and all the material witnesses belong to the family of the deceased and, thus, the question of the petitioner influencing them, does not arise.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that in the present case, as per the suicide note, it may be highly debatable as to whether case under Section 306, IPC is made out against the petitioner or not and even in the said suicide note, no specific allegation of beating or dowry had been made against the petitioner. The petitioner has been married to the deceased for the last more than 16 years but there is no complaint in writing given by the deceased against the petitioner. The petitioner has two minor children who have already lost their mother and, thus, they would also need the love and affection of their father i.e., the petitioner. The petitioner is not involved in any other criminal case and in the present case, challan has already been presented

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and the investigation is over and there are as many as 29 witnesses and none of which have been examined and, thus, the trial is likely to take time. Moreover, since the material witnesses belong to the family of the deceased, there is no apprehension that the petitioner would be able to influence them. Thus, the present petition deserves to be allowed.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 27, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No