

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-34828-2021(O&M)
Decided on : 02.09.2021

VIKRAM

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL
(Through Video Conferencing)

PRESENT: Mr. R.S. Rai, Sr. Advocate, with
Mr. Gautam Dutt and Inder Singh, Advocates
for the petitioner.

Mr. Amit Mehta, Sr. DAG Punjab
assisted by ASI Bhupinder Singh.

Mr. Taranpreet Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.0006, dated 21.01.2021 under Sections 306 IPC registered at Police Station Dhakoli, District SAS Nagar, Mohali.

Learned Senior counsel appearing for the petitioner submits that the marriage of the petitioner and the deceased Neelam Rani had ended in a divorce way back in the year 2006. A daughter (hereinafter called 'K') was born out of the said wedlock, who was residing with her mother i.e.,

deceased Neelam Rani. Learned Senior counsel further submits that after the divorce of the deceased with petitioner, the deceased was remarried a couple of times and at the time of the alleged occurrence, she was married to one Sandeep Arora. Learned Senior counsel still further submits that on 04th December 2020, the daughter 'K', ran away from her home and started living with her father i.e., the petitioner in Karnal. Learned Senior counsel has invited the attention of this Court to Annexure P-5 dated 27.02.2021, which is a statement of the husband of the deceased i.e., Sandeep Arora recorded under Section 161 CrPC, wherein he stated that his deceased-wife was seriously troubled on account of an affair of their daughter 'K' with a boy and all attempts by his deceased-wife to make her daughter discontinue the said alliance had been in vain. Still further while referring to the same statement i.e., Annexure P-5, learned Senior counsel has pointed out that Sandeep Arora had also stated therein that their daughter 'K' had disappeared on 04.12.2020 and was untraceable, however, she was later on traced to Karnal, where she was found to be living with the petitioner and his family.

Learned Senior counsel submits that no doubt a suicide note has indeed been left by the deceased annexed as Annexure P-4, wherein she alleged with her daughter 'K' had been kidnapped after being misled by the petitioner, however, the contents of that suicide note would have to be appreciated in the light of the statement made by Sandeep Arora (Annexure P-5). Learned Senior counsel has also referred to Annexure P-2, which is a letter written by the daughter of the deceased 'K' to Chairman CWC, Karnal,

which also clearly reveals that 'K' had left the house of her mother and gone to her father i.e., the petitioner of her own volition. Learned Senior counsel therefore submits that in the wake of the aforementioned, at best, it could be said to be a case wherein the deceased was under depression on account of her daughter 'K' having left her and gone away to stay with her father i.e., the petitioner, for which the petitioner could not be held liable for abetting her suicide. He submits that the petitioner has been in custody since 03rd April 2021 and only challan stands presented thus there is no likelihood of the trial concluding any time in the near future.

Per contra, learned State counsel assisted by learned counsel for the complainant while opposing the prayer and submissions of the learned Senior counsel for the petitioner on instructions from ASI Bhupinder Singh has argued that the complainant, who is the brother of the deceased, while lodging the FIR in question had specifically alleged that the petitioner had misled the daughter of the deceased 'K' and taken her away from the custody of the deceased which had disturbed her a great deal, as a result of which, she ended her life. He further submits that in the suicide note as well, the deceased had levelled allegations against the petitioner of kidnapping her daughter.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case to extend the concession of bail to the petitioner, as the trial is unlikely to conclude in the near future. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial

Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 02, 2021
S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>