

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

**CRM-M-35326 of 2021**

Date of Decision : September 2, 2021

Shiv Kumar

.....Petitioner

***VERSUS***

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present : Mr. Surinder Garg, Advocate  
for the petitioner.

Mr. Randhir Singh, Thind, DAG, Punjab.

Mr. J.K. Singla, Advocate  
For the complainant.

**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.174 dated 09.06.2021 registered under Sections 306, 34 of IPC at Police Station Sadar Mansa, District Mansa.

As per the FIR which was lodged by one Bittu Kumar S/o Satpal Mittal, his brother Amandeep Mittal got married about two months ago with one Renu Bala and the aforesaid Renu Bala was earlier married to Neeraj Kumar of Budhlada, who got divorced by way of mutual consent and they had one child aged about three years and now he is residing with Renu Bala at Maur Mandi. After the marriage of the brother of the complainant namely Amandeep

Mittal (deceased) he asked his wife Renu Bala to conceive his child but she was not agreeing and an altercation regarding this remained between them and on 08.06.2021, there was an altercation between Renu Bala and Amandeep Mittal and regarding this altercation, the brother-in-law of Amandeep Mittal namely Shiv Kumar alias Shanty also abused and gave threats to him and thereafter, Amandeep Mittal consumed poisonous substance and died.

Learned counsel for the petitioner has submitted that in the present case, the petitioner, namely, Shiv kumar has been falsely implicated and he had got nothing to do with any dispute between the husband-Amandeep Mittal and wife-Renu Bala and even as per the prosecution story, the aforesaid Amandeep Mittal had died by consuming some poisonous substance as there remained some altercation between husband and wife. He further submitted that on the face of it, the ingredients of Sections 306 and 107 IPC were not fulfilled as there was no immediate incitement or abetment to commit suicide. He has further submitted that a mere altercation or dispute between the husband and wife would not attract the provisions of Section 306 read with Section 107 IPC. He further submitted that so far as the present petitioner is concerned, he is the only brother of Renu Bala and had got nothing to do with the matrimonial dispute and he has been wrongly named in the FIR. He further submitted that be

that as it may, the investigation of the case is already completed and the challan has been presented under Section 173 Cr.P.C. on 13.08.2021 and the petitioner is in custody since 19.06.2021. He has submitted that no recovery is to be effected from the petitioner and the trial of the case would take long time and therefore, he may be considered for grant of regular bail. He has further stated that the petitioner is not involved in any other case.

Learned State counsel has submitted that it is correct that the petitioner is in custody since 19.06.2021 and the investigation of the case is complete and challan stands presented on 13.08.2021. He has further submitted that no recovery is to be effected from the petitioner.

Mr. J.K.Singla, learned counsel for the complainant has submitted that it is a case where death has been caused on the basis of dispute between the husband and wife and the petitioner had also induced the deceased to commit suicide. He has referred to the suicide note in which the deceased has stated that he was having dispute with Renu Bala and the present petitioner and they shall be responsible for his death.

I have heard the learned counsel for the parties.

The investigation of the case is already complete and challan has already been presented on 13.08.2021 and the petitioner is in custody since 19.06.2021. A perusal of the FIR as well as the

suicide note, which has been orally referred by learned counsel for the complainant shows that the suicide has taken place because of dispute between the deceased and his wife-Renu Bala. The petitioner is brother of the aforesaid Renu Bala. At this stage, there is nothing on record to show that the basic ingredients of Section 306 read with Section 107 IPC have been fulfilled qua petitioner. The trial of the case may take long time.

Furthermore, the petitioner is not involved in any other case and apart from the same, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper any evidence or may flee from justice.

Therefore, without commenting upon the merits of the case and considering the totality of the circumstances, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

**September 2, 2021**  
**Hemlata**

**(JAGURPREET SINGH PURI )**  
**JUDGE**

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No