

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

212

**CRM-M-32288-2020
Date of decision: 17.03.2021**

Baljinder Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ajeet Pal Singh Pakka, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

None for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.139 dated 16.06.2020 registered under Section 306 read with Section 34 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Lambi, District Sri Muktsar Sahib from which Section 34 of the IPC was deleted lateron.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State. However, no reply has been filed by the respondent-State.

Custody certificate has been filed by the learned State Counsel through e-mail print out of which is taken on record.

The complainant had appeared through Counsel earlier but none has appeared for the complainant today.

I have heard arguments addressed by learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The petitioner was married to Balwinder Kaur in the year 2012. Balwinder Kaur died after more than seven years of her marriage on 16.06.2020. The petitioner has been falsely implicated in the present case on statement made by his father-in-law Krishan Kumar. As per the allegations in the FIR, the deceased was alleged to have been killed either by strangulation or by administering some poison or by giving beatings but the post-mortem report does not support the case of the prosecution as the doctor who conducted post-mortem on dead body of Balwinder Kaur has given the opinion that cause of death could not be ascertained. There was no instigation or abetment on the part of the petitioner to Balwinder Kaur for commission of suicide. Offence under Section 306 of the IPC is not made out against the petitioner. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail by making interim regular bail already granted to him absolute.

On the other hand, learned State Counsel has submitted that the petitioner is accused of having abetted commission of suicide

by his wife. In view of the nature of accusation and gravity of the offence, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

However, learned State Counsel has conceded that in the final report of the concerned doctor who conducted the post-mortem on the body of the deceased it has been mentioned that cause of death could not be ascertained.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that death of Balwinder Kaur took place after seven years of marriage and in view of the opinion given in the post-mortem report cannot be prima facie said to be unnatural and also the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am of the considered view that the petitioner deserves grant of regular bail.

Accordingly, the petition is allowed and order dated 15.10.2020 granting interim bail to the petitioner is made absolute and the petitioner is ordered to be released on regular bail on the bail bonds already furnished by him.

A copy of this order be sent to the concerned trial Court for information and requisite compliance.

17.03.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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