

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

CRM-M-50808-2021

Date of Decision: 9.12.2021

Sanjeev Kumar @ Sindu

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rai Singh Chauhan, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petitions is for grant of regular bail to the petitioner in a case FIR No.57 dated 30.6.2021, registered under Section 306 IPC at Police Station Narot Jaimal Singh, District Pathankot.

As per factual matrix of the case, the FIR in question was registered by the complainant, namely, Sulakhan Kumar son of Tarlok Chand. It was alleged that his sister Anju Devi was married with Rajinder Kumar son of late Bodhraj about 15 years ago. His sister was blessed with two daughters, who are 14 and 11 years of age. It was alleged that the petitioner Sanjeev Kumar after consuming liquor daily used to quarrel with his sister. He alleged that he used abusive language and due to the same, his sister consumed some poison and committed suicide. The request was made to take legal action against the petitioner. The petitioner was arrested on 3.7.2021. He approached before the learned Additional Sessions Judge-I, Pathankot for grant of bail, who after hearing the parties, declined the same vide its order dated 18.10.2021. Aggrieved by the same, the petitioner approached this Court by way of filing the present petition for grant of bail.

It has been contended by learned counsel for the petitioner that the allegations made in the FIR are false and frivolous. He submits that the petitioner is unmarried brother-in-law (Devar) of the deceased and the only allegation against the petitioner is that he quarreled with the deceased and used abusive language. He submits that a conjoint reading of Section 306 IPC with Section 107 IPC would show that no instigation can be said to have made on the part of the petitioner for committing suicide by the deceased. He has submitted that the investigation is complete and challan has already been presented and in the overall facts and circumstances, no useful purpose would be served by keeping the petitioner behind bars.

Learned State counsel submits that there are specific allegations against the petitioner that he fought with the deceased and used abusive language on the date of the occurrence. She submits that now the investigation has been concluded and enough material has been collected by the Investigating Agency during the investigation. She submits that in all there are 17 prosecution witnesses and charges have already been framed.

Heard.

The petitioner is unmarried brother-in-law of the deceased. He is behind bars since 3.7.2021. Allegation against the petitioner is that he used abusive language against the deceased. The marriage of the deceased with the brother of the petitioner took place about 15 years ago. The investigation already stands concluded and charges stand framed. The veracity of the allegations would be established on the conclusion of the trial on the basis of the evidence to be led by the parties. However, in the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of

regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

9.12.2021
sharmila

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