

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

219

**CRM-M-1101-2022
Date of decision: 17.02.2022**

Kuldeep Ashta

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab
for the respondent-State.

Ms. Jasleen Kaur, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.110 dated 03.06.2021 lodged under Sections 306 and 201 IPC registered at Police Station Bhawanigarh, District Sangrur.

Learned counsel for the petitioner *inter alia* contends that the petitioner had been married with the deceased for 10 years, however, not even once prior to the suicide of his wife i.e. the deceased, was there any complaint ever made qua the alleged harassment, which finds reflected in the FIR in question. It has been further submitted that in the circumstances, the allegations levelled that the deceased on account of the alleged torture had ended her life could not be sustained as the presumption qua abetment of suicide by a married woman under Section 113-A of the Indian Evidence Act, 1872 would not arise in the

instant case as admittedly the deceased had died after almost 10 years of her marriage. Learned counsel further submits that the petitioner has been in custody since 04.06.2021, challan has since been presented and charges framed, however, the case is being adjourned time and again on account of non-appearance of the prosecution witnesses. Learned counsel, therefore, prays that the petitioner be extended the concession of bail as his further incarceration would not serve any useful purpose, more so as the trial will take considerable time to conclude.

Per contra, learned State counsel assisted by learned counsel for the complainant, while opposing the prayer and submissions of counsel opposite, submits that there are allegations levelled in the FIR of the petitioner and his family subjecting the deceased to mental harassment as a result of which she committed suicide. Learned counsel have, however, not been able to controvert the submissions made by counsel opposite that prior to the occurrence in question no complaint was ever made qua the harassment which finds reflected in the FIR in question. Learned State counsel has conceded on instructions that the prosecution witnesses have not put in an appearance for the last two dates and hence the prosecution evidence has not yet commenced. Learned State counsel on instructions further submits that 21 prosecution witnesses have been cited.

I have heard learned counsel for the parties and perused the material placed on record.

Since the petitioner has been in custody for almost 9 months and the prosecution evidence has not yet commenced coupled with the fact that 21 prosecution witnesses have been cited, the trial

will take considerable time to conclude. In the circumstances, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.02.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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