

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(217)

CRM-M-1111-2022  
Date of decision:- 24.05.2022

Amarjeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Kamal Narula, Advocate  
for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab for State-respondent.

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**SUVIR SEHGAL, J. (ORAL)**

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 seeking grant of post-arrest bail in case FIR No. 100 dated 30.09.2021, registered for offences under Sections 306 and 34 of the Indian Penal Code, 1860, at Police Station Khuhi Khera, District Fazilka, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Raj Kumar, brother of the deceased, Sunita Rani, on the allegation that she married Gurwinder Singh in February, 2021. It was a love marriage. The complainant's family was not on talking terms with the family of Gurwinder Singh. A few months ago, he and his family members came to know from a neighbour that Gurwinder Singh's family has been physically assaulting his sister and they had forced her to get an abortion. In the morning on the day of registration of FIR, he had met his sister in the street and she seemed to be in a good state. However, at

04:00 P.M., he came to know that she has expired. He has alleged that the husband of the deceased, Gurwinder Singh, parents-in-law, Mangal Singh and Swaranjit Kaur, and brother-in-law, Amarjeet Singh (present petitioner) are responsible for abetting her suicide.

Counsel for the petitioner contends that although the petitioner, who is the unmarried brother-in-law of the deceased, was living in a joint family with the deceased, but no overt or covert act has been attributed to him. It is his argument that there is no incriminating material with the prosecution to connect the petitioner to the suicide. He submits that the deceased did not leave behind any suicide note and the allegations levelled in the FIR are based on hearsay. He submits that the petitioner, who is a young man of 20 years of age and is in custody since 03.10.2021, is no longer required for custodial interrogation as investigation is complete and challan has been presented.

*Per contra*, learned State counsel, upon instructions from ASI, Angrez Singh, has opposed the petition and has submitted that the deceased committed suicide by consuming poison, but the FSL report is awaited. He further submits that final report has been presented and charge has been framed, but prosecution evidence is yet to start.

Having considered the submissions made by counsel for the parties, this Court is prima facie of the view that the complicity of the petitioner in the crime would remain a subject matter of trial and the petitioner, who is in custody for the last more than seven months, would be entitled to be released on bail as the trial is at the initial stage and is likely to take time to conclude.

Without examining the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail during the pendency of trial on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

24.05.2022  
Kamal

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |