

228 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
(through video conferencing)

CRM-M-2909-2022
Date of decision:31.01.2022

Manpreet Singh @ Sonu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.49 dated 12.06.2021 lodged under Section 306 IPC registered at Police Station Bhindi Saidan District Amritsar Rural.

Learned counsel for the petitioner while inviting the attention of this Court to the allegations levelled in the FIR in question (annexed as Annexure P-1), submits that a totally false and fabricated story has been brought forward by the complainant that his sister Gurjeet Kaur committed suicide, as the petitioner was pressurizing her for the partition of the ancestral property. Learned counsel further submits that assuming for sake of arguments, even though his submissions are otherwise that the petitioner had been pressurizing the deceased to partition the ancestral property, it would not even remotely attract the mischief of Section 306/107 IPC, as *mens rea*, which is an essential ingredient of abetment to suicide was clearly amiss in the case in hand.

Learned counsel for the petitioner rather contends that the deceased, who was his sister-in-law (Bhabi) had been in an illicit relationship with one Jagjit Singh. The illicit relationship between the said Jagjit Singh and the deceased had come out in the open. On 12.06.2021, the said Jagjit Singh committed suicide and on the same evening itself, the

deceased Gurjeet Kaur also committed suicide. Learned counsel for the petitioner further submits that charges have been framed and further incarceration of the petitioner would not serve any useful purpose, as he has been in custody since 13.06.2021.

Per contra, learned State counsel while opposing the prayer made by counsel opposite on instructions from SI Tarlok Singh has reiterated that there was in fact a dispute between the petitioner and the deceased and the latter was being pressurized by the petitioner to partition their ancestral property. He further submits that it was on account of petitioner continuously goading her, the deceased was left with no other choice but to end her life. He, on further instructions submits that the prosecution evidence is due to commence on 21.02.2022.

Heard learned counsel and perused the material available on record.

There are as many as 13 prosecution witnesses, who have been cited and there is no likelihood of the trial concluding in the near future as prosecution evidence has not commenced.

In the facts and circumstances, as enumerated hereinabove, the present 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.

31.01.2022
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(MANJARI NEHRU KAUL)
JUDGE

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