

224 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 13.07.2022
CRM-M-3139-2022

MOHINDER PAL ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CRM-M-18424-2022

SINDER KAUR ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. H.S.Gill, Advocate and
Mr. C.S.Rana, Advocate
for the petitioner(s).

Mr. M.S.Nagra, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Custody certificates have been placed on record.

Petitioners-Mohinder Pal and Shinder Kaur are seeking regular bail in case bearing FIR No. 159 dated 16.09.2021 under Section 306 IPC registered at Police Station Koom Kalan, District Ludhiana.

Briefly, the allegations against the petitioners are to the effect that the marriage of the deceased was solemnized with Mohinder Pal about 12 years prior to the occurrence and two daughters were born from the wedlock. Mohinder Pal-petitioner used to reside with her sister-in-law i.e. Shinder Kaur-petitioner. Both the petitioners in connivance with Pawandeep Kaur, the daughter, Kulvir Singh @ Happy and Mandeep Singh, the son of Shinder Kaur and friend Ajay Kumar used to harass the deceased. Being fed-up, the deceased had committed suicide by consuming some poisonous substance.

Learned counsel for the petitioners contend that the petitioners are in custody for a period of 09 months and 27 days and are not involved in any other case. The deceased, complainant or any relative from parental side had not submitted any complaint to any forum with regard to the allegations as spelt out in the FIR against the petitioners during the life time

of deceased. Furthermore, Mohinder Pal-petitioner had instituted a petition under Section 13 of Hindu Marriage Act for dissolution of marriage by a decree of divorce, wherein, he had also expressed the apprehension that the deceased was threatening to commit suicide. The co-accused, namely, Pawandeep Kaur, Kuvbir Singh @ Happy and Mandeep Singh have been released on bail.

The bail application has been resisted by the learned State counsel on the score that there are serious allegations levelled against the petitioners and the deceased had also recorded suicide note to the effect that she had consumed poisonous substance being fed up at the hands of the petitioners and Pawandeep Kaur, Kulvir Singh @ Happy and Mandeep Singh.

Be that as it may, the petitioners are in custody for a period of 09 months and 27 days and are not involved in any other case. The investigation of the case is complete, challan has been presented and charge under Section 306 IPC has been framed against the petitioners and the co-accused. The controversy as to whether the petitioners have abetted or instigated the commission of suicide by the deceased will be a debatable and moot point during the course of trial.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioners. Accordingly, without making any observation on the merits of the case(s), both the petitions are allowed and petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

13.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No