

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

CRM-M-14739-2022 (O&M)

Date of decision : 21.12.2022

Manish Kumar

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Petitioner has approached this Court for grant of regular bail to the petitioner in case FIR No.02 dated 04.01.2022, under Section 306 IPC, registered at Police Station Division No.7, District Ludhiana.

As per the facts of the case, the complaint was lodged by Sandeep Kumar. It was alleged that they are three brothers and one sister who was 19 years of age. On 04.11.2019, Manish Kumar (petitioner) enticed away his sister from their home on the pretext of marriage. He filed the complaint to the Police Station Sarai Khawaza, District Jaunpur, UP. Since then she was living with Manish Kumar at various places. In the year 2021, Manish Kumar started beating his sister in a drunken condition and his sister was suffering the harassment and cruelty caused by Manish Kumar. It was alleged that his sister discloses the harassment caused by Manish Kumar from the mobile phone of Manish Kumar only to him i.e. the complainant. He alleged that his sister wanted Manish Kumar to perform Court marriage with her, however, he did not adhere to

the same and kept on beating her in drunken condition. He threatened to kill her by pushing her from roof. It was alleged that his sister was compelled by Manish Kumar to commit suicide. He alleged that Manish Kumar is responsible for the death of his sister and made a request that legal action be taken against the culprit. On the basis of complaint, formal FIR was lodged and the investigation commenced. Postmortem of the body was conducted. Investigating agencies recorded the statements of the witnesses. Petitioner was arrested on 04.01.2022. He approached the court of learned Additional Sessions Judge, Ludhiana praying for grant of bail. However, after hearing counsel for both the sides, learned Additional Sessions Judge declined the same vide order dated 10.03.2022. Aggrieved by the same, petitioner is before this Court praying for grant of regular bail.

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated by the complainant as the petitioner performed the marriage with sister of the complainant against the wishes of her family members. He has submitted that both of them performed marriage in 2019 after the deceased left her parental home. The relationship between the petitioner and the deceased was not acceptable to the family members. He submits that both of them were living happily but they had to live at different places as the family of her deceased-wife was never happy with their marriage. He submits that on the unfortunate date the deceased accidentally slipped from the roof and thus, she lost her life. He has further submitted that there is nothing to show except for the bald allegations that the petitioner ever caused any type of harassment or cruelty to the deceased. He further submits that there are no allegations

pertaining to harassment or cruelty caused to the deceased on account of any demand of dowry. He has submitted that in a deliberate manner, the complainant has implicated the petitioner in a false and frivolous case. He has submitted that from the facts and circumstances of the case, no abetment or instigation is made out under Section 107 IPC and thus, offence under Section 306 IPC read with Section 107 IPC is not even made out against the petitioner. He further submits that the petitioner has no criminal antecedents and the complainant already stands examined, thus, the petitioner is not in a position to influence the complainant as he has already been examined by the trial Court. He further submits that in the facts and circumstances of the case, the petitioner deserves to be granted regular bail.

Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that petitioner is the husband of the deceased. There are specific allegations pertaining to cruelty and harassment caused to the deceased by petitioner in a drunken condition. He submits that the deceased wanted the petitioner to perform Court marriage as she had established relationship with the petitioner against her family members. He submits that out of 10 prosecution witnesses, 03 witnesses are already examined including the complainant who is author of the FIR. He has duly supported the case of the prosecution, however, he has submitted that as per instructions, the petitioner does not have any criminal antecedents.

I have heard counsel for the parties and perused the record.

Evidently, the relationship between the petitioner and the deceased is of husband and wife. They performed the marriage against the

wishes of the family members of the deceased. They were living separately from their family members. Whether the alleged incident was accidental or it was a suicide instigated by the petitioner is totally a subject matter of the trial which would be determined by the trial Court on the appreciation of evidence led before it. However, the complainant already stands examined. There is nothing on record to show that the petitioner has any criminal antecedents.

The trial of the case will take sufficiently long time. This Court would refrain itself from commenting anything on the merits of the case. However, confining itself to the prayer made for bail, this Court finds that counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds 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

21.12.2022
m. sharma

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No