

AJAY ALIAS AJAY KUMAR

... Petitioner

v/s

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikram Jeet Singh, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. K.S.Dhanora, Advocate for the complainant.
* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 46 dated 15.04.2021 under Sections 305, 498-A IPC and Section 9 of The Prohibition of Child Marriage Act (added subsequently) (Section 306 IPC and Section 10, 11 of The Prohibition of Child Marriage Act were deleted), registered at Police Station Anandpur Sahib, District Rupnagar.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the deceased in January 2019. The deceased is stated to be aged about 15 years at the time of occurrence. The sister of the petitioner is also married to the brother of the deceased. The deceased had committed suicide on 02.07.2022. There was no marital discord between the petitioner and the deceased. At the initial stage, on the day of occurrence, the father of the deceased had made a statement to the Police officials to the effect that the deceased was staying happily with the petitioner and they had no dispute. The deceased used to remain under

depression and on that score, she has committed suicide. It was specifically mentioned that the parents of the deceased do not want to initiate any action against anyone. Subsequently, the dispute arose between the sister of the petitioner and brother of the deceased. The sister of the petitioner had submitted a complaint, Annexure P-7 to the Senior Superintendent of Police, U.T. Chandigarh against her husband Rahul. As a counter blast to the same, the present FIR has been lodged on the same day i.e. 15.04.2021, as a result of afterthought after a delay of about 9 months and 13 days. The investigation of the case is complete, the challan has been presented, charge has been framed but no witness has been examined till date. The petitioner is in custody for a period of 7 months and 10 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that there are serious allegations with regard to abetment to commit suicide and the deceased was aged less than 18 years.

It may be mentioned here that there is a delay of more than 9 months in lodging the FIR. Furthermore, the initial statement of the father of the deceased indicated that the deceased was living happily with her husband in the matrimonial house. No one was suspected to have committed the crime. The deceased allegedly committed suicide on account of depression. Furthermore, the sister of the petitioner had lodged a complaint against her husband i.e. the brother of the deceased and the FIR has been lodged on the same day. The investigation of the case is complete, charge has been framed but no witness has been examined till date. The petitioner is in custody for a period of 7 months and 10 days and is not involved in any other case. The conclusion of trial is likely to take some

more time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

07.09.2022

Janki

(VIVEK PURI)
JUDGE

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