

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(216)

CRM-M-17572-2022
Date of decision:- 03.08.2022

Karan Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jasraj Singh, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.34 dated 14.02.2022, registered for offences under Sections 306 and 509 of the Indian Penal Code, 1860 (for short “IPC”), at Police Station Model Town, Hoshiarpur, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Okil, elder brother of the deceased, on the allegation that his 19 year old sister was being harassed by Sonu Plumber @ Tilak Raj, his wife-Raj Kumari, sisters-Manju and Rajji and Karan Kumar (present petitioner). It has been alleged that Sonu Plumber @ Tilak Raj had an eye on her and maligned her character, which upset the deceased as her marriage had been fixed. It has been alleged that she has committed suicide by consuming a poisonous substance.

Counsel for the petitioner submits that although a suicide note, Annexure P-5, has been produced by the complainant, but its veracity cannot be ascertained as the Investigation Agency does not possess the specimen of admitted handwriting of the deceased. Still further, he submits that the petitioner had voluntarily surrendered before the Trial Court on 15.02.2022 and was arrested. He urges that ingredients of offence under Section 306, IPC are not satisfied. He submits that the petitioner, who has clean antecedents and is in custody, deserves to be enlarged on bail as challan has been presented and the petitioner is no longer required for custodial interrogation.

Per contra, State counsel, who has filed Custody Certificate dated 02.08.2022 and short reply by way of an affidavit of Deputy Superintendent of Police, Sub-Division City, Hoshiarpur, which are taken on record, upon instructions from ASI, Sushil Kumar, he has opposed the petition. He submits that the petitioner has been specifically named in the suicide note and there are categoric allegations against him. He has confirmed the fact that the final report has been presented under Section 173 of the Code, but submits that charge has not been framed.

Having considered the submission made by counsel for the parties, but without examining the merits or demerits of the arguments addressed, this Court is prima facie of the view that the culpability of the petitioner in the crime would remain a subject matter of debate before the Trial Court. Considering the fact that the challan has been presented and the petitioner is in custody for the last more than five months, this Court is of the opinion that he is entitled to be enlarged on bail as the trial is yet to

start.

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

03.08.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No