

CRM-M-17630-2022

Date of Decision: 20.05.2022

INDERJEET SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Arshdeep Singh Brar, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Custody certificate has been placed on record.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.135 dated 10.12.2021 under Sections 306 and 34 IPC, registered at Police Station Mehna, District Moga.

The FIR has been registered on the basis of the statement of Sadhu Singh, the father of the deceased, alleging that the marriage of his daughter, namely, Rupinder Kaur was solemnized with petitioner about 09 years prior to the occurrence and one son, aged about 06 years, was born from the wedlock. On 01.12.2021, the deceased committed suicide by setting herself on fire. It has been alleged that on inquiry, the complainant came to know that the deceased had committed suicide on account of harassment meted out to her by her mother-in-law and husband.

Learned counsel for the petitioner contends that the marriage was solemnized about 09 years prior to the occurrence. The deceased had left no suicide note and false allegation with regard to demand of Rs.2 lakhs and payment of Rs.1 lakh has been raised in the supplementary statement of the complainant which has been recorded 04 days after the registration of the FIR. The 06 years old child is presently residing with the parents of the petitioner. The mother of the petitioner has been granted regular bail by the learned trial Court. The investigation of the case is complete, challan has been presented and no fruitful purpose will be served by detaining the petitioner in custody.

The bail application has been resisted by the learned State counsel on the score that the petitioner is the husband of the deceased who died on account of burn injuries. The trial is at the initial stage as only 01 out of 16 witnesses has been examined so far.

It is significant to note that the marriage of the deceased was solemnized with the petitioner about 09 years prior to the occurrence. There is nothing to suggest that during the period of 09 years, any complaint at any forum was submitted by the deceased or her father. Moreover, in the FIR, there is bald allegation to the effect that on inquiry, the complainant came to know that the petitioner and his mother had been harassing the deceased which prompted her to set herself on fire. Furthermore, the allegations with regard to demand of Rs.2 lakhs and payment of Rs.1 lakh have not been mentioned in the FIR. The same have been reflected in the supplementary statement which has been recorded after a delay of four days. The petitioner is in custody for a period of 05 months and 08 days. He is not involved in any other case. The investigation of the case is complete, challan has been presented and the charge has also been framed. The genuineness of the rival allegations is to be adjudicated during the course of trial. So far only 01 out of 16 witnesses has been examined, the conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

20.05.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No