

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

212

CRM-M-24285-2021
Date of decision:27.01.2022

Balvir Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ravi Gakhar, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. L.S. Mann, Advocate for the complainant.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.31, dated 11.04.2021 registered for offences under Sections 306/34/498-A of IPC, 1860, at Police Station Mulepur, District Fatehgarh Sahib, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the complaint of Kuldeep Singh, father of the deceased-lady, on the allegation that her husband, Parminder Singh @ Laddi and her father-in-law, Balvir Singh (present petitioner) and two other relations, namely, Jasvir Singh and Balvir Singh, were harassing her daughter, as a result of which, she committed suicide. It has been alleged that the body of his daughter had injury marks.

Counsel for the petitioner has referred to the photographs, Annexure P-3, to submit that the deceased was having an extra marital affair and when those photographs went viral, she committed suicide and did not leave any suicide note. Counsel submits that though the challan was presented against the petitioner under Section 498-A of IPC also, but no charge has been framed thereunder. He submits that co-accused, Lakhwinder Singh @ Lakha and Jasvir Singh, have been released on bail vide orders, Annexures P-7 and P-8, respectively. He asserts that the petitioner, who has a clean past, and is in custody since 15.04.2021, is no longer required for custodial interrogation. In addition, counsel for the petitioner contends that the deceased left behind two minor children aged 05 years and 03 years, who are living with relatives, as the paternal grand-mother of the children is no more.

Per Contra, State counsel, upon instructions from ASI Gurcharan Singh, has opposed the petition. He is assisted by counsel for the complainant, who contends that false allegations are being levelled against the daughter of the complainant to defame her, after her death. State counsel submits that specific allegations have been levelled against the petitioner, who has been named in the FIR. As per his instructions, challan has been presented against all the accused and charges have been framed on 18.01.2022, though the prosecution evidence is yet to start.

Considering the circumstances of the case, the nature of allegations against the petitioner and the fact that the petitioner is languishing behind bars for more than nine months, this Court is *prima facie* of the view that the petitioner deserves to be enlarged on bail.

Without examining the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing heavy bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

27.01.2022

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(SUVIR SEHGAL)
JUDGE

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