

225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24500-2022 (O&M)

Date of Decision:14.09.2022

SUBHASH CHAND

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mohd. Yusuf, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.198 dated 07.12.2021 under Section 306 IPC (offence under Section 498-A IPC added later on), registered at Police Station Julkan, District Patiala.

Briefly, as per the allegations, the marriage of Seema Rani-deceased was solemnized with the petitioner in the year 2011 and two children have been born from the wedlock. The petitioner alongwith his elder brother Chander Shekhar were harassing the deceased and asking her to bring money from her parents. The complainant i.e. the father of the deceased had given an amount of Rs.1,50,000/- to the petitioner and his brother for purchase of auto rikshaw and another amount of Rs.60,000/- for purchase of motorcycle. On 04.12.2021, the deceased had committed suicide by drowning in the Bhakhra canal.

Learned counsel for the petitioner contends that the marriage was solemnized about 11 years prior to the occurrence, no complaint was submitted at any forum with regard to any marital discord, the deceased has not left any suicide note, the investigation of the case is complete, Chander Shekhar, the brother of the petitioner, has been released on bail by the Court of Session, two minor children are residing with the petitioner, charge has been framed under

Section 306 IPC, the petitioner is in custody since 10.12.2021, not involved in any other case and conclusion of trial is likely to take some time.

Learned State counsel has opposed the bail application on the score that there are serious allegations with regard to abetment levelled against the petitioner which force the deceased to commit suicide.

The petitioner is the husband of the deceased. The marriage was solemnized 11 years prior to the occurrence. There is nothing to suggest that any complaint was submitted at any forum with regard to marital discord by the deceased or her parental family during her life time. No suicide note has been recorded by the deceased. It will remain a debatable and moot point during the course of trial as to whether the petitioner had abetted the commission of suicide. The petitioner has to take care of two minor children. He is in custody exceeding 09 months. The investigation of the case is complete, charge has been framed under Section 306 IPC. The conclusion of trial is likely to take some time and no fruitful purpose will 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. 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.

14.09.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No