

**214 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26527-2021 (O&M)

Date of Decision: 4.8.2022

Shiv Pujan

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vaibhav Sehgal, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.67 dated 21.3.2021, registered under Section 306 IPC, at Police Station Moti Nagar, District Ludhiana.

As per factual matrix of the case, the FIR in question was lodged by complainant-Pawan Kumar, husband of the deceased. The sum and substance of the allegations in the FIR is that the deceased i.e. wife of the complainant was 30 years of age and had illicit relations with the petitioner Shiv Pujan. He often used to come to his house. Despite his resistance, he did not deter from the relationship with his wife and on account of the same, rift had occurred between the husband and wife as well. On 20.3.2021 at 8:30 a.m., he went to his place of work and came back at about 5:30 p.m. and found that his wife had hanged herself with the fan. He alleged that his wife committed suicide as she was harassed by the accused Shiv Pujan and being afraid of defamation committed suicide. On the basis of the complaint, the FIR was lodged and the investigation commenced. The petitioner was arrested on 21.3.2021. He approached the learned Addl. Sessions Judge, Ludhiana for grant of bail, who, after hearing

the parties, declined the same vide order dated 9.6.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner submits that petitioner is a young boy of 21 years of age, whereas, the deceased was a married lady and mother of a child. He submits that the allegations in the FIR by the husband are totally false and frivolous and the deceased committed suicide because of the dispute between the husband and wife and not as alleged by the complainant. He has submitted that even otherwise from the reading of the allegations in the FIR, the ingredients of Section 306 IPC read with Section 107 IPC are not made out as the petitioner cannot be said to have instigated the deceased for committing suicide. He submits that the petitioner is behind bars since 21.3.2021. He further submits that the petitioner has no criminal antecedents and now the complainant has also been examined and he has made material improvements in the statement made before the trial Court. As the material witnesses already stands examined, the probability of his tampering with the prosecution evidence also does not survive. In the facts and circumstances, he submits that he deserves to be enlarged on bail.

On the other hand, learned State counsel has opposed the submissions made by the petitioner and submitted that there are specific allegations against the petitioner regarding illicit relationship with the wife of the complainant, who committed suicide. It is apparent that because his persistent relationship with the deceased, she committed suicide and thus, offence under Section 306 IPC is made out against him. However, she submits that out of 12 prosecution witnesses, 2 witnesses already examined including the complainant.

Heard.

The petitioner is behind bars since 21.3.2021. As per allegations made by the complainant in the FIR, he is the paramour of the deceased-wife of the complainant. However, there is nothing on record showing that the petitioner has any criminal antecedents. As stated by learned State counsel out of 12 prosecution witnesses, 2 material witnesses including the complainant already stands examined and the possibility of the petitioner of tampering with the prosecution evidence no more survives. The veracity of the allegations and counter allegations would be evaluated by the trial Court only after conclusion of the trial. The trial would take sufficient long time for its conclusion.

In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

4.8.2022

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Whether Speaking/Reasoned :

Whether Reportable :

(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No