

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29439-2021
Date of Decision: 08.02.2022

HARJINDER SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Paras Talwar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

On 20.08.2021, following order was passed:

“Reply has been filed.

Learned senior counsel for the petitioner would *inter alia* contend that the petitioner had solemnized marriage with the deceased as far back as 2011, and out of this wedlock one minor child was born. As would be evident from the medical record annexed with the petition, she was suffering from an incurable disease described as *Guillian barre* syndrome. It is argued that this was the second marriage of both the parties and there was no complaint which had been filed qua any maltreatment to the wife at the hands of the petitioner herein. There was no act of abetment on the part of the petitioner leading to suicide by his wife.

The petitioner is directed to join the investigation within a period of one week and on doing so, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Adjourned to 08.02.2022.”

It has been stated by learned counsel for the petitioner that in

pursuance of the interim directions issued by this Court, the petitioner has

joined the investigation, his custodial interrogation is not required and the mother of the petitioner was found innocent.

Learned State counsel, on instructions from SI Jaswinder Singh, has not disputed the aforesaid factual position of the case and has stated that the petitioner has joined the investigation and his custodial interrogation is not required.

In the instant case, at the first instance the case was registered under Section 304-B IPC but the same was altered to 306 IPC as the marriage was solemnized more than 7 years prior to the occurrence. The cause of death is stated to be hanging and as per the version of the petitioner, the deceased had committed suicide on account of serious health issues as she was suffering from incurable disease described as *Guillain barre*.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 20.08.2021 is made absolute.

The petition stands allowed.

08.02.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No