

ANIL KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipul Babuta, Advocate for the petitioner.
Ms. Ishneet Kaur, AAG Punjab.
Mr. R.P.Daaria, Advocate for
Mr. D.S.Khurana, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No.77 dated 05.04.2022 under Section 306 IPC, registered at Police Station Haibowal, District Ludhiana.

Briefly, the FIR has been registered on the basis of the statement of Dev Kumar alleging that his daughter Reena Rani, aged about 38 years got married with the petitioner about 8 years prior to the occurrence. Two daughters were born from the wedlock. The petitioner had been entering into quarrels and giving beatings to the deceased. The deceased committed suicide by hanging on 05.04.2022.

Learned counsel for the petitioner contends that it was the 2nd marriage of the deceased with the petitioner. Her earlier husband had unfortunately died in a roadside accident. The deceased used to remain under depression on that score. The deceased had not left any suicide note and vague allegations have been alleged in the FIR. Furthermore, the marriage was solemnized about 8 years prior to the occurrence and no complaint was submitted at any Forum either by the deceased or any member of the parental family. The petitioner is having 2 daughters aged about 6 years and 4 years.

The investigation of the case is complete and challan has already been presented in the Court. The petitioner is in custody for a period of 3 months and 1 day.

Learned State counsel has opposed the bail application mainly on the score that there are serious allegations against the petitioner.

In the instant case, the petitioner is in custody for a period of 3 months and 1 day. The investigation of the case is complete and challan has also been presented in the Court. The deceased had not left any suicide note. The occurrence took place about 8 years prior to the occurrence and no complaint was submitted at any Forum either by the complainant or any member of her parental family. Earlier husband of the deceased had died in a roadside accident and it has been alleged that she used to remain under depression on that score. Furthermore, it will be a debatable and moot point during the course of trial as to whether the petitioner had in any manner abetted the commission of suicide.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

08.07.2022

Janki

(VIVEK PURI)
JUDGE

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