

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

215

CRM M-30952 of 2022

Date of Decision: October 11, 2022

Noor Mohammad

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Amit Arora, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG. Punjab.

N.S.SHEKHAWAT, J. (Oral)

The petitioner has filed the instant petition under Section 439 Cr.P.C. with a prayer to grant regular bail in case FIR No. 111 dated 24.05.2022 under Sections 306 of IPC registered at Police Station Women, City South, District Moga.

The FIR in the instant case has been lodged on the basis of complaint moved by Jagpal Singh complainant, which was submitted to the Senior Superintendent of Police Moga. The complainant alleged that his marriage was solemnized with Kirandeep Kaur, since deceased, about 08 years ago. Out of the said wedlock two children were born. Noor Mohammad, the petitioner is running a mobile and kiriyana shop in the village and mischievously obtained the mobile number of his wife. Noor Mohammad, the petitioner used to send messages to her. The complainant asked his wife to sever all ties with the petitioner. On this his wife admitted her fault and did not meet the petitioner. On this, the petitioner started threatening

Kirandeep Kaur, since deceased, that he had her nude photographs and in case she breaks the relationship, he will upload the same on social media. On being harassed by the petitioner, his wife Kirandeep Kaur committed suicide at 10.00 a.m., on 01.05.2021. The complainant further alleged that Kirandeep Kaur had committed suicide due to harassment by the petitioner. He was also supported by his mother Palo Devi.

Learned counsel for the petitioner submitted that Kirandeep Kaur, wife of the complainant was an educated lady, who committed suicide in her matrimonial home at 10.00 a.m. on 01.05.2021. Even her mother-in-law was present in the house, when she committed suicide. She left no suicide note nor informed anyone about the reason of her taking the said extreme step. The police came at the place of occurrence on 01.05.2021 and conducted the proceedings under Section 174 Cr.P.C. During the said proceedings, the statement of the complainant and Sukhmander Singh, brother of the deceased were also recorded. Statements of several other villagers were also recorded by the police. However, though all stated that Kirandeep Kaur was suffering from migraine and depression and being fed up of the same, she committed suicide. Even a panchayatnama was also prepared and the postmortem examination was conducted. Later on, the complainant coined a false version and moved the instant complaint on 06.05.2021 against the present petitioner and his mother by levelling false and frivolous allegations.

He further submitted that even the FIR was registered in the instant case after about one year of the date of making the complaint. He further submitted that even as per the case of the prosecution, the last conversation between petitioner and Kirandeep Kaur, deceased was on 07.03.2021, i.e., about 02 months prior to the date of occurrence and there was no question of abetment of suicide to Kirandeep Kaur by the petitioner. He further submitted that no offence under Section 306 IPC is made out against the petitioner, even from the contents of the FIR. He further contended that no obscene photo/video has been recovered by the police during the course of the investigation and challan has already been presented. Even the petitioner was arrested in the instant case on 26.05.2022 and he is in custody since last more than 04 months and his further custody would not serve any meaningful purpose.

During the course of arguments, the learned State counsel has filed the status report by way of affidavit of DSP City Moga and the same is taken on record. Even as per the status report, the wife of the complainant had committed suicide by hanging herself with a ceiling fan in her matrimonial home on 01.05.2021. Even, the complainant informed the police that on 01.05.2021 that his wife had committed suicide as she was suffering from migraine and depression. Even, the proceedings under Section 174 Cr.P.C. were initiated. As per the learned State counsel also, the petitioner used to talk with Kirandeep Kaur, since deceased, from his mobile phone and he had

provided one mobile phone also to Kirandeep Kaur, since deceased. He further submitted that the FIR in the instant case was registered after completion of the inquiry by senior officers.

I have heard learned counsel for the parties and considered the rival contentions made by them.

The petitioner is admittedly in custody since 26.05.2022 and the trial is likely to take a long time. Nothing is to be recovered from the possession of the petitioner and his custody would serve no meaningful purpose.

Thus, taking into consideration the totality of the facts and circumstances and without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty magistrate/Chief Judicial Magistrate.

However, it is made clear that above observations have been made only for the limited purpose of deciding the present regular bail petition and the same would not be construed to be an expression of opinion on the merits of the case.

October 11, 2022
amit rana

(N.S.SHEKHAWAT)
JUDGE

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