

CRM-M-31471-2022

Date of Decision: 18.10.2022

BALWINDER SINGH ALIAS BUNTY

.....Petitioner

Vs.

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Verma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

The petitioner is seeking regular bail in the case bearing FIR No.94 dated 12.10.2021, registered under Section 306 of IPC, registered at Police Station Sadar Abohar, District Fazilka.

Briefly, the FIR has been registered on the basis of the statement of Bholi Kaur alleging that the deceased Sobha Kaur was her daughter, whose marriage was solemnized with the petitioner about 3 years prior to the occurrence. At the time of marriage, in-laws family of the deceased was residing at Ganganagar in rented accommodation. The deceased was working as Nurse in Sanjivani Dental Clinic at Sri Ganganagar and had also purchased a house in Surya Colony, Sri Ganganagar from her savings and after getting the money from the parental family. After about 3 months from the marriage of the deceased, she was turned out of the matrimonial house. After about two and a half months, the petitioner took the deceased with him to Village Kundal, where she had been residing for a period of 4 months prior to the occurrence. The deceased had disclosed to the complainant that the petitioner along with her mother-in-law and

sister-in-law had been harassing her, not allowing her to go outside the house and to do her job. On 11.10.2021, the petitioner telephonically informed the complainant that the deceased along with her son had left the house and have not been found despite search. On 12.10.2021, at about 12.30pm, the complainant came to know that the dead body of her daughter Sobha Kaur has been recovered from drain/water course near Railway Lines Village Koyal Khera and the dead body of her maternal grandson has been recovered from Panjawan Minor Road near Railway Crossing Village Telipura. It has been alleged that the deceased along with the grandson of the complainant had committed suicide by jumping in the canal being harassed by the petitioner and her mother-in-law and sister-in-law.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 01 year and 3 days and not involved in any other case. There are vague allegations with regard to harassment and no specific instance has been pointed out with regard to cruelty or harassment meted out to the deceased at the hands of the petitioner. The marriage was solemnized about 3 years prior to the occurrence and no complaint or representation was submitted at any forum either by the deceased or any member of parental family of the deceased during her life time. The co-accused namely Shinder Kaur and Rajvir Kaur @ Manpreet Kaur have already been granted regular bail.

Learned State counsel has opposed the bail application on the score that the petitioner is the husband of the deceased and there are allegations of harassment imputed against him. The case of the petitioner cannot be termed to be at par with the co-accused and no witness has been examined till date.

It is significant to note that there is no specific instance of harassment meted out to the deceased at the instance of the petitioner. It will remain a debatable and moot point during the course of trial as to whether the deceased had

committed suicide on account of any abetment or instigation extended by petitioner to the deceased. Neither the deceased nor any member of parental family had submitted any complaint at any forum against the petitioner during her life time. The deceased has not left any suicide note. The petitioner is in custody for a period of one year and three days and not involved in any other case. The conclusion of trial is likely to take time as no witness has been examined till date.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.10.2022
priyanka

(VIVEK PURI)
JUDGE

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