

AJAY KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chander Singh Rana, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

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

Ajay Kumar-petitioner is seeking regular bail in the case bearing FIR No.159 dated 16.09.2021 under Section 306 IPC, registered at Police Station Koom Kalan, District Ludhiana.

Briefly, the allegations against the petitioner are to the effect that the marriage of the deceased was solemnized with Mohinder Pal Singh about 12 years prior to the occurrence and two daughters were born from the wedlock. Mohinder Pal Singh used to reside with her sister-in-law, namely, Shinder Kaur, co-accused. Mohinder Pal Singh and Shinder Kaur in connivance with Pawandeep Kaur, the daughter, Kulvir Singh @ Happy and Mandeep Singh, the sons of Shinder Kaur and the petitioner, their friend Ajay Kumar used to harass the deceased. Being fed up, the deceased had committed suicide by consuming some poisonous substance.

Learned counsel for the petitioner contends that the petitioner is in custody for a period of 10 months and 18 days and not involved in any other

case. The deceased, complainant or any relative from the parental side had not submitted any complaint at any forum with regard to the allegations as spelt out in the FIR against the petitioner during the life time of the deceased. Mohinder Pal Singh, the husband of the deceased had instituted a petition under Section 13 of Hindu Marriage Act for dissolution of marriage by a decree of divorce, wherein, he had also expressed the apprehension that the deceased was threatening to commit suicide. The co-accused, namely, Pawandeep Kaur, Kulvir Singh @ Happy and Mandeep Singh have been released on bail by the Court of Sessions. Mohinder Pal Singh and Shinder Kaur have been granted bail in terms of order dated 13.07.2022 passed by this Court in CRM-M-3139-2022 and CRM-M-18424-2022. Furthermore, the name of the petitioner has not been recorded in the suicide note.

The bail application has been resisted by the learned State counsel on the score that there are serious allegations levelled against the petitioner and the deceased had committed suicide being fed up at the hands of the petitioner and the co-accused.

Be that as it may, the petitioner is in custody for a period of 10 months and 18 days and is not involved in any other case. The investigation of case is complete, the challan has been presented and the charge under Section 306 IPC has been framed against the petitioner and the co-accused. The relatives of the deceased have been released on bail. The name of the petitioner does not find mentioned in the suicide note. The controversy as to whether the petitioner had abetted or instigated the commission of suicide by the deceased will be a debatable and moot point during the course of trial.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without expressing any opinion

to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

03.08.2022
renubala

(VIVEK PURI)
JUDGE

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