

CRM-M-37232-2022

Date of decision: 29.08.2022

SUNNY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikasdeep Singh, Advocate for the petitioner.

Mr. Harpreet Singh, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Mr. Amandeep Singh, Advocate has put in appearance on behalf of the complainant and filed power of attorney, which is taken on record.

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

Sunny-petitioner is seeking regular bail in the case bearing FIR No.250 dated 09.09.2021, under Sections 306/34 IPC, 1860, registered at Police Station Sultanpur Lodhi, District Kapurthala.

Briefly, the FIR has been registered on the basis of the statement of the mother of the deceased alleging that the marriage of the deceased was solemnized with the petitioner about 1¼ years prior to the occurrence. The petitioner is the husband who along with her mother, Kaka-the brother and Rekha-the sister had been troubling the deceased. The deceased had committed suicide on 08.09.2021 by hanging.

Learned counsel for the petitioner contends that the charge has been framed under Section 306 read with Section 34 IPC. Vikas, the brother of the petitioner has been found innocent during the course of investigation. His sister-

Rekha has been granted pre-arrest bail by the Court of Sessions. His mother has

been granted regular bail by this Court in terms of order dated 25.07.2022 passed in CRM-M-4521-2022. Vague allegations have been levelled in the FIR. There is no specific instance of any maltreatment reflected in the FIR. The petitioner is in custody for a period of 11 months and is not involved in any other case.

Learned State counsel has resisted the bail application on the score that the death has occurred within a period of 1¼ years of the marriage and there are specific allegations against the petitioner.

Be that as it may, there is no allegation with regard to maltreatment on account of demand of dowry as put forth in the FIR. The charge has been framed under Section 306 read with Section 34 IPC. Although, the petitioner is the husband of the deceased but no specific allegation has been levelled in the FIR. The petitioner is in custody for a period of 11 months. The investigation of the case is complete, the challan has been presented in the Court and the conclusion of trial is likely to take sometime. All the co-accused are on bail and no fruitful purpose will be served by detaining the petition in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, 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/Duty Magistrate concerned.

The petition is allowed accordingly.

29.08.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No