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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 31st October, 2022

1. CRM-M-33784-2022

Sumit Singh @ Sammu

... Petitioner

Versus

State of Punjab

... Respondent

2. CRM-M-38698-2022

Poonam Pathania

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. S. S. Rang, Advocate and
Mr. B.S. Jaswal, Advocate for the petitioners.

Mr. Arun Luthra, DAG, Punjab.

AVNEESH JHINGAN , J.(Oral)

1. These two petitions are filed by Sumit Singh @ Sammu and Poonam Pathania seeking regular bail in case of FIR No. 114, dated 3rd June, 2021, under Section 306/34 Indian Penal Code, 1860, registered at Police Station Shahpurkandi, Distirct Pathankot.

2. Petition bearing No. CRM-M-33784-2022 is second petition filed by the Sumit Singh @ Sammu. The earlier petition was withdrawn on 21st December,2021 realising upon the fact that charges are yet to be framed.

3. Petition bearing No. CRM-M-38698-2022 is third petition filed on behalf of Poonam Pathania. The earlier two petitions were

dismissed as withdrawn with liberty to revive the prayer at a later stage.

4. Learned State counsel has filed reply in case CRM-M-33784-2022, he adopts the same reply in CRM-M-38698-2022.

5. As per the case set up, the deceased Ashok Kumar committed suicide as his wife Poonam Pathania was having illicit relationship with Sumit Singh @ Sammu. Suicide note and video recording were left by the deceased.

6. Learned counsel for the petitioners submits that Sumit Singh @ Sammu and Poonam Pathania are in custody since 1st September, 2021 and 3rd June, 2021, respectively. The material witnesses have been examined. Complainant and two relatives of the deceased have not supported the case of the prosecution and complainant was declared hostile. No recovery is to be made from the petitioners and they have no criminal antecedents.

7. Learned State counsel opposes the prayer for grant of regular bail and submits that petitioners were specifically named in the suicide note.

8. Without commenting upon the merits of the case or on the deposition made by the prosecution witnesses, considering the custody period and the fact that petitioners have no criminal antecedents, no recovery is to be made from the petitioners and conclusion of the trial is likely to take time, petitioner are granted bail subject to their furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. The petitions are allowed.

10. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
11. A photocopy of this order be placed on the file of connected case.

(AVNEESH JHINGAN)
JUDGE

31st October, 2022
Parveen Sharma

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