

228 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41196-2022 (O&M)

Date of Decision: 14.09.2022

GURPREET SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.334 dated 24.11.2021 under Section 306 IPC registered at Police Station Focal Point, District Ludhiana.

Custody certificate has been placed on record.

Briefly, the allegations against the petitioner are to the effect that the marriage of Amandeep Kaur-deceased was solemnized with the petitioner about 12 years ago and two children were born from the wedlock. The deceased had committed suicide by hanging being fed-up as the petitioner had been entering into quarrel after consuming liquor.

Learned counsel for the petitioner contends that the marriage was solemnized about 12 years prior to the occurrence. The two minor children are residing with the petitioner. No complaint was submitted at any forum with regard to any marital discord during the life time of the deceased. The deceased had neither recorded any suicide note nor any dying declaration was recorded. The petitioner is in custody for a period of 09 months and 21 days and not involved in any other case. The investigation of the case is complete and the case is pending in the trial Court for prosecution evidence.

Learned State counsel has opposed the bail application on the score that there are serious allegations of abetment have been levelled against the petitioner which forces the deceased to commit suicide.

The marriage of the deceased was solemnized with the petitioner about 12 years prior to the occurrence and two children have been born from the wedlock, who are in custody of the petitioner. There is nothing to suggest that the deceased or any member of her parental family had submitted any complaint at any forum with regard to the marital discord during her life time. The deceased had made an attempt to commit suicide on 20.11.2021 and the death took place after a lapse of 03 days. There is nothing to suggest that the deceased had recorded any suicide note or any dying declaration was recorded during the intervening period. It will remain a debatable and moot point during the course of trial as to whether the petitioner had abetted the commission of suicide. The petitioner has to take care of two minor children. He is in custody for a period of 09 months and 21 days and not involved in any other case. The investigation of the case is complete and charge has been framed under Section 306 IPC. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate//Duty Magistrate.

14.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No