

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-43735-2021

Date of Decision: 4.8.2022

Yadwinder Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.58 dated 10.6.2021, registered under Section 306 IPC, at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur, Punjab.

As per factual matrix of the case, the FIR in question was lodged by complainant-Patras Singh, father of the deceased, wherein it was alleged that he has six children, out of which three are sons and three are daughters. His daughter Charanjit Kaur (deceased) was married with Yadwinder Singh and they were blessed with twin sons, who are 5 months of age. On 9.6.2021, he was informed by his son-in-law, Yadwinder Singh that his daughter Charanjit Kaur @ Reena has consumed poison and after one hour, he informed that she has died. It was alleged that his daughter died as she was upset with her mother-in-law, father-in-law and husband. On the basis of the complaint filed by the complainant, the FIR was lodged and investigation commenced. The petitioner, who is the husband of the deceased was arrested on 22.6.2021. He approached the learned Addl. Sessions Judge, Gurdaspur for grant of bail, who, after hearing the parties,

declined the same vide order dated 28.7.2021. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. He has submitted that the marriage of the petitioner took place with the deceased in the year 2018, however, she committed suicide by consuming poison on 9.6.2021. He has submitted that from the date of their marriage till the date of death of the deceased, there was no complaint whatsoever showing any harassment caused by the petitioner to the deceased, however, the deceased committed suicide on 9.6.2021 for which the petitioner cannot be held liable. He has submitted that from the reading of allegations in the FIR, the ingredients of Section 306 IPC read with Section 107 IPC are not made out, as the petitioner cannot be said to have instigated the deceased for committing suicide. He has submitted that the petitioner has no criminal antecedents and he is behind bars since 22.6.2021, thus, deserves to be granted bail.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and submitted that the deceased died within three years of the marriage. She submits that there are specific allegations against the petitioner instigating the deceased to commit suicide. She has submitted that the complainant has been examined by the trial Court as PW-1, where he deposed that petitioner had instigated the deceased to commit suicide. However, she submits that out of 12 prosecution witnesses, 5 witnesses have already been examined. She further submits that as per her information, the petitioner is not facing prosecution in any other case besides the present case.

Heard.

The petitioner is the husband of the deceased. As per the allegations in the FIR, deceased committed suicide after about three years of her marriage. There is nothing on record to show that there was any dispute between the husband and wife during this period of marriage. However, learned State counsel submits that the complainant has deposed before the trial Court that the petitioner instigated the deceased to commit suicide. There is nothing on record to show that the petitioner has any criminal antecedents as there is no other case against him. Out of total 12 prosecution witnesses, 5 witnesses already stands examined including the complainant. The possibility of the petitioner tampering with the prosecution evidence is no more survives. The veracity of the allegations and counter allegations would be evaluated by the trial Court only after conclusion of the trial. The trial would take sufficiently long time for its conclusion.

In the overall facts and circumstances of the case, I am of the opinion that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial is likely to take time in its conclusion. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

4.8.2022
sharmila

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No