

CRM-M-40952-2022(O&M)
Date of decision: 02.12.2022

JAGJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Yashpal Thakur, Advocate for the petitioner.
Mr. Amit Shukla, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Status report by way of affidavit of Amarpreet Singh, PPS, DSP, Circle Bassi Pathana, District Fatehgarh Sahib and custody certificate of the petitioner on behalf of the respondent-State have been filed and the same are taken on record.

Jagjit Singh-petitioner is seeking regular bail in the case bearing FIR No.13 dated 05.02.2022 under Section 306 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Briefly, the allegations against the petitioner are to the effect that the marriage was solemnized with the deceased in the year 2012. The petitioner was addicted to alcohol and had been giving beatings to the deceased. On account of harassment extended by the petitioner to the deceased, she committed suicide by cutting her vein and jumping in the pond.

Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of brother of the deceased. During the course of trial, the brother and father of the deceased have not supported the prosecution version. Furthermore, the marriage of the deceased was solemnized with the petitioner in the year 2012. No complaint was submitted against the petitioner either by the deceased or anyone from her parental family at any forum

petitioner is in custody for a period of 09 months and 27 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that there are serious allegations levelled against the petitioner. Out of 18, only 03 witnesses have been examined so far.

The petitioner is the husband of the deceased. The marriage of the deceased was solemnized with the petitioner in the year 2012. There is nothing to suggest that during the lifetime of the deceased any complaint was submitted at any forum either by her or any member of her parental family levelling any allegation of harassment meted out to the deceased by the petitioner. The deceased had not left behind any suicide note. Even, the father and the brother of the deceased have not supported the prosecution version. It is emerging in their statements that the deceased was happily residing with the petitioner and she accidentally fell in the village pond. So far, only 03, out of 18 witnesses have been examined. The petitioner is in custody for a period of 09 months and 27 days and is not involved in any other case. The conclusion of trial is likely to take sometime. 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.

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.

02.12.2022

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(VIVEK PURI)
JUDGE