

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

210

**CRM-M-45514-2021
Decided on : 31.05.2022**

Lally

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. T.S. Grewal, Advocate
for the petitioner(s).

Mr. Abhay Pal Singh Gill, AAG, Punjab
assisted by ASI Harbhajan Singh.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C., vide which petitioner is seeking the concession of bail in case FIR No. 60, dated 22.07.2021, lodged under Sections 306, 498-A of IPC (Section 498-A of IPC added later on), registered at Police Station Sherpur, District Sangrur, Punjab (annexed as Annexure P-1), for allegedly abetting suicide of his wife.

Learned counsel *inter alia* contends that on the face of it a false and fabricated case has been planted upon the petitioner, which is evident from a perusal of the contents of the FIR, which has been annexed as Annexure P-1. While drawing the attention of this Court to the allegations levelled in the FIR in question, learned counsel submits that though it was alleged therein that the deceased had been subjected to physical assault by the petitioner under the influence of liquor and the said fact had been telephonically conveyed to the complainant by the deceased, just about 12 hours prior to the occurrence in question, however, the postmortem report,

which has been annexed as Annexure P-3, did not even reveal a single injury, much less, any bruise on the person of the deceased.

Learned counsel still further submits that prior to the occurrence in question, not even once had there ever been any complaint made with respect to the alleged maltreatment of the deceased at the hands of the petitioner or any panchayat convened in the said regard. Besides this, learned counsel submits that the essential ingredients to attract the mischief of Sections 306, 107 of IPC, are also amiss, in the case in hand and strangely without there even being any whisper of dowry demand, charges under Section 498-A of IPC, have been framed. He further submits that the petitioner has been in custody since 22nd July, 2021 and the trial has not been proceeding further after 29th March, 2022, as the complainant has not been putting in appearance to get his evidence recorded, despiteailable warrants having been issued for securing his presence. Learned counsel submits that the petitioner has three small children, the youngest one being less than two years old, who are being taken care of, by his old parents. He submits that the petitioner does not have any criminal antecedents.

Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Harbhajan Singh, has conceded that the complainant has not put in an appearance before the trial Court on three last dates, despiteailable warrants having been issued to secure his presence. He submits that now the case stands adjourned to 06.06.2022. Learned State counsel has further conceded that during investigation, no evidence had come to the fore that any panchayat or complaint was ever made by the complainant against the petitioner for allegedly subjecting his deceased wife to alleged mental and

physical harassment.

I have heard learned counsel for the parties and perused the relevant material on record.

The prosecution has cited as many as 14 prosecution witnesses and as conceded by the learned State counsel, not even a single witness has been examined till date. The trial, therefore, is unlikely to conclude in the near future. The petitioner is not involved in any other criminal case.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner during the pendency of the trial, as his further incarceration would serve no useful purpose. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that any observation made here-in-above shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 31, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*