

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

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**CRM-M-48912-2021
Decided on : 10.02.2022**

Sonu @ Bhaiya

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. A.S. Manaise, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by ASI Jagtar Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of bail to the petitioner in case FIR No. 119, dated 31.07.2020, under Section 306 of IPC, registered at Police Station Dera Baba Nanak, District Gurdaspur (annexed as Annexure P-1).

Learned counsel for the petitioner submits that the deceased (Sunita) had been married with one Heera Masih and had three children from the said marriage, however, later on, she moved in with the petitioner and was in a live-in relationship with him for almost two years prior to the occurrence in question.

Learned counsel further submits that the delay of one day in lodging of the FIR in question by the complainant i.e. Father of the deceased, makes it abundantly clear that a false and fabricated case had been planted upon the petitioner for allegedly abetting the suicide of deceased, as she was unable to give birth to a child. It has been further submitted that *mens rea*, which is one of the essential ingredients to attract the mischief of offence under Sections 306, 107 IPC, is amiss in the case in hand and even assuming for the sake of arguments, though his submissions are otherwise that indeed there was some discord between the

parties, it could not be said that the petitioner intended to abet the suicide of the deceased.

Learned counsel further submits that the petitioner is not involved in any other criminal case and the complainant, who is the sole material witness, stands examined. There is no likelihood of the trial concluding anytime in the near future, as 16 prosecution witnesses remain to be examined. Hence, his further incarceration would not serve any useful purpose, as he has now been in custody since 11.01.2021.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite, on instructions from ASI Jagtar Singh, submits that there are serious allegations levelled against the petitioner of harassing the deceased, as a result of which, she committed suicide. He, on instructions has not disputed the factum of the petitioner not being involved in any other criminal cases.

Heard learned counsel for the parties and perused the material on record.

In the facts and circumstances, as enumerated hereinabove, more so, since trial will take considerable time to conclude, this Court deems it fit to extend the concession of bail to the petitioner during the trial. The petition is allowed and the petitioner is admitted to bail to the satisfaction of the concerned Trial Court/Duty Magistrate. However, it is made clear that any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 10, 2022

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*