

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

105+218

**CRM-1104-2022 in/and
CRM-M-52430-2021
Date of decision: 17.02.2022**

Sunil Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ravi, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-1104-2022

For the reasons mentioned in the application, the same is allowed and copy of zimni order dated 07.01.2022 passed by learned Additional Sessions Judge, Hoshiarpur is taken on record as Annexure P-7.

CRM-M-52430-2021

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.27 dated 28.02.2021 lodged under Section 306 IPC registered at Police Station Mukerian, District Hoshiarpur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated for abetting the suicide of his wife. While inviting the attention of this Court the allegations levelled in the FIR in question which has been annexed as Annexure P-1, learned counsel submits that a perusal of the same reveals that totally

vague allegations have been levelled against the petitioner and his family members of subjecting the deceased to harassment. He further submits that there is not even any whisper as to in what manner and as to how and why the deceased was subjected to the alleged harassment. Learned counsel submits that essential ingredients to attract the mischief of Section 306/107 IPC are clearly amiss in the case in hand. Learned counsel has further vehemently submitted that in fact the deceased was having illicit relations with one Sukha, who had been threatening to viral her obscene pictures and due to the threats extended, she committed suicide. In support, learned counsel has invited the attention of this Court to Annexure P-2, which are WhatsApp chats between the deceased and the said Sukha. Learned counsel submits that as the petitioner has been in custody for almost a year and the complainant stands examined before the trial Court, his further incarceration would not serve any useful purpose, more so, as 13 prosecution witnesses remain to be examined. It has also been submitted that similarly situated co-accused i.e. parents of the petitioner have since been extended the concession of bail by this Court vide orders dated 07.06.2021 and 02.12.2021 (Annexures P-4 and P-5).

Per contra, learned State counsel while opposing the prayer of the counsel opposite prays that in view of the allegations levelled against the petitioner of harassing his wife which resulted in her committing suicide, he be not extended the concession of bail. Learned State counsel on instructions has conceded that 13 prosecution witnesses remain to be examined.

I have heard learned counsel for the parties and perused

the material placed on record.

This Court would refrain from commenting upon the alleged extra-marital affair of the deceased with said Sukha, and the deceased committing suicide on account of the threats extended by the latter as it would be a matter to be appreciated by the trial Court during trial. However, as 13 prosecution witnesses remain to be examined, there is no likelihood of the trial concluding in the near future. In the circumstances, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.02.2022

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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No