

CRM-M-55192-2022

Date of decision: 12.12.2022

BALVIR SINGH @ SONI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Preetwinder Singh Dhaliwal, Advocate for the petitioner.

Mr. Iqbal Singh Mann, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Balvir Singh @ Soni-petitioner is seeking regular bail in the case bearing FIR No.68 dated 25.07.2022 under Sections 306/34 IPC, 1860, registered at Police Station Tapa, District Barnala.

Briefly, the FIR has been registered on the basis of the statement of the mother of the deceased alleging that the marriage of the deceased was solemnized with the petitioner about 7-8 years prior to the occurrence and a male child has been born from the wedlock. On 12.07.2022, the deceased had consumed some poisonous substance on account of beating and harassment given to her by the petitioner and his other family members. The deceased died on 23.07.2022.

Learned counsel for the petitioner contends that on 14.07.2022, the statement of the deceased was recorded by the police officials in the hospital wherein it was stated that she was suffering from depression and had consumed some pesticide by mistake. It was specifically stated that she does not want to take any action against anyone. Subsequently, the death took place on 23.07.2022 and

days. The minor child is in custody of the family of the petitioner. The investigation of the case is complete and challan has been presented only against the petitioner. The relatives of the petitioner have been found innocent. The petitioner is in custody for a period of 04 months and 16 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that the charge is yet to be framed.

Be that as it may, the investigation of the case is complete and challan has been presented. The statement of the deceased was recorded by the police official in the hospital on 14.07.2022 in the presence of her father wherein it was specifically mentioned that she has consumed some pesticide by mistake. She never intended to initiate any action against anyone. The marriage was solemnized about 7-8 years prior to the occurrence. 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 attributing any allegations against the petitioner. The petitioner is in custody for a period of 04 months and 16 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.

12.12.2022
renubala

(VIVEK PURI)
JUDGE

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