

CRM-M-57249-2022

Date of Decision: 13.12.2022

GURDEV SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.
Mr. Iqbal Singh Mann, DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 76 dated 12.05.2022 under Sections 306/506/34 IPC registered at Police Station Machhiwara, Police District Khanna, District Ludhiana.

Briefly, as per the allegations, the marriage of Satnam Kaur, deceased was solemnized with the petitioner about 21 years prior to the occurrence. The petitioner had been suspecting her character and being fed up, she consumed some poisonous substance and committed suicide.

Learned counsel for the petitioner contends that there is vague allegation against the petitioner to the extent that he had been harassing the deceased. The deceased or any member from her parental family had not submitted any complaint at any forum during the period of 21 years of marriage imputing any allegation against the petitioner. The deceased had neither left any suicide note nor dying declaration has been recorded. Moreover, Surjit Kaur, the mother of the petitioner has been granted regular bail by this Court in terms of the order dated 08.09.2022 passed in CRM-M-40024-2022. The petitioner is in custody for a period of 06 months and 16 days and is not involved in any other case. The investigation of the case is complete and challan has been presented.

Learned State counsel has opposed the bail application on the score that the name of the petitioner has been specifically and categorically mentioned in the FIR and there are allegations to the effect that the petitioner was addicted to alcohol and had been harassing the deceased. The case of the petitioner cannot be termed to be at par with that of his mother.

The deceased had committed suicide after a period of 21 years from the marriage. There is nothing to suggest that during the period of 21 years, any complaint was submitted at any forum either by the deceased or any member of her parental family imputing any allegation against the petitioner. There are bald allegations with regard to harassment without any specific instance. The investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of 06 months and 16 days and is not involved in any other case. The conclusion of trial is likely to take some time and no fruitful purpose would 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. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

13.12.2022

Janki

(VIVEK PURI)
JUDGE

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