

2023:PHHC:045757

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

CRM-M-962-2023

Date of Decision: 28.03.2023

GURSEWAK SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kamaldip Singh Sidhu, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in the case bearing FIR No.234 dated 18.07.2022 under Section 306 IPC registered at Police Station Dera Bassi, District SAS Nagar.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the complainant is the brother of the deceased. The deceased had committed suicide on 17.07.2022. The deceased was earlier married with Santosh Kumar in the year 2009 but the marriage ended in divorce in the year 2020. The deceased had recorded a suicide note to the effect that she had solemnized marriage with the petitioner and had been living together for a period of about 06 years. The petitioner is in custody for a period of 08 months and 11 days and till date, no witness has been examined.

Learned State counsel has opposed the bail application on the score that the deceased had committed suicide as the petitioner had not been accepting the marriage and taking the deceased to his parental house. However, it has not been disputed that till date, out of 18, no witness has been examined.

It is significant to note that as per the version in the FIR, the marriage of the deceased with Santosh Kumar had ended in divorce in the year 2020. As per the contents of the suicide note, the deceased had been residing with the petitioner for a period of about 04 years and had solemnized marriage about 02 years ago. The fact as to whether, the petitioner had solemnized marriage with the deceased and as to whether he refused to acknowledge her as his wife will be a debatable and moot point during the course of trial. Till date, no witness has been examined. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

28.03.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No