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2023 : PHHC : 098037

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4330-2023

Date of Decision: 01.08.2023

TARSEM SINGH ALIAS SEMA
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Anju Arora, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 125 dated 01.06.2022 under Section 306 IPC, registered at Police Station Sri Muktsar Sahib.
2. Custody certificate has been taken on record.
3. Briefly, as per the allegations in the FIR, the marriage of the deceased was solemnized about 18 years prior to the occurrence with the petitioner and three children were born from the wedlock. The petitioner was an addict and he used to give beatings and harass the deceased. On that score, she committed suicide by consuming some poisonous substance.
4. Learned counsel for the petitioner contends that the petitioner is in custody for a period of 1 year, 1 month and 26 days and the children are residing with the parents of the petitioner. The petitioner was involved in two other cases under Punjab Excise Act but has been acquitted in those case. Besides, he is involved in another case under Sections 323, 325 read with Section 34 IPC which has no concern with the matrimonial dispute of the petitioner. The deceased or her parental family members had not submitted any complaint against the petitioner levelling allegations of harassment against the petitioner during her lifetime. Furthermore, the deceased has not recorded any

5. Learned State counsel submits that there are specific allegations levelled against the petitioner by the father of the deceased and out of 15, 2 witnesses have been examined.

6. It is significant to note that the marriage of the deceased was solemnized with the petitioner about 18 years prior to the occurrence and three children have been born from the wedlock. The cause of death in the instant case is stated to be alleged consumption of some poisonous substance. The deceased had not recorded any suicide note. There is nothing to indicate that either the deceased or any member of her parental family had submitted any complaint at any Forum against the petitioner during her lifetime levelling allegations of maltreatment or harassment against the petitioner. Till date out of 15, 2 witnesses have been examined. It has also been submitted that the complainant has been examined during the course of trial. The petitioner is in custody for a period of 1 year, 1 month and 26 days. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

7. 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.

8. The petition is allowed.

01.08.2023

Janki

(VIVEK PURI)
JUDGE

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