

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

CRM-M-9110-2023

Date of Decision: 18.04.2023

Kuldeep Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Achin Gupta, Advocate, for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present second petition is for the grant of regular bail to the petitioner in a case FIR No.219 dated 29.12.2021, registered under Sections 306/34 IPC, at Police Station Faridkot, District Faridkot.

As per facts of the case, statement of Gurmeet Singh son of Gurcharan Singh was recorded, wherein, it was alleged that he has two sisters, namely, Jaswinder Kaur and Manjit Kaur. Jaswinder Kaur was married with Boota Singh and Manjit Kaur was married with Kuldeep Singh. Both sisters were married with two brothers. After marriage, her sister Manjit Kaur was blessed with two children i.e. one son who was 12 years of age and one daughter 6 years of age. However, after marriage his brother-in-law Kuldeep Singh (petitioner) developed illicit relations with the wife of the complainant and on account of the same there arose a dispute in both families. His sister Manjit Kaur tried her level best to persuade her husband Kuldeep Singh to mend his ways, however, her efforts remained futile. Even the complainant also tried to make his wife understand but she also did not mend her ways. As his sister used to remain under depression because of the conduct of her husband Kuldeep Singh, she

having no other alternative, consumed poison and committed suicide because of illicit relations of her husband with the wife of the complainant. It was alleged that his sister was compelled to commit suicide because of Kuldeep Singh and thus, request was made to take legal action against him. On the basis of complaint, a formal FIR was lodged and the investigation commenced. The petitioner was arrested on 29.12.2021. He approached the Court of learned Additional Sessions Judge, Faridkot, for grant of bail who after hearing both the sides, declined the same vide order dated 20.01.2023. The petitioner approached this Court on an earlier occasion by way of filing of CRM-M-15748-2022, however, the same was ordered to be dismissed as not pressed vide order dated 02.08.2022. The petitioner again approached this Court by way of filing the present second petition praying for grant of regular bail.

Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in this case. He has submitted that both the sisters of the complainant, namely, Jaswinder Kaur and Manjit Kaur (deceased) were married in the same family with two brothers i.e. the petitioner and his brother. He submits that sister-in-law of the petitioner (sister of the deceased) is already living happily in the same family. He submits that the marriage between the petitioner and the deceased was 16 years old and there was no dispute whatsoever as alleged by the complainant in this case. He further submits that the petitioner is father of two young children, who are at the mercy of his relatives. He further submits that all the material witnesses have already been examined by the trial Court and thus, there is no apprehension that the petitioner can tamper with the prosecution evidence. He submits that the petitioner has no

criminal antecedents and thus, he deserves to be granted bail.

On the other hand, learned State counsel has opposed the submissions made by learned counsel for the petitioner and has submitted that the petitioner is the husband of the deceased and as he was in illicit relationship with the wife of the complainant, the deceased was compelled to end her life by consuming poison. He submits that out of total 17 prosecution witnesses, 4 witnesses already stand examined. On instructions from ASI Sukhdatarpal Singh, he submits that the petitioner is not involved in any other criminal case.

Heard.

Evidently, the petitioner is the husband of the deceased and he is behind bars since 29.12.2021. The petitioner was married with the deceased about 16 years prior to the alleged occurrence and they were blessed with two children. Other sister of the deceased is also married in the same family and as on date she is living happily in the same family with her husband. As submitted before this Court, all the material witnesses including the complainant have already been examined. Whether abetment as envisaged under Section 107 IPC against the petitioner is made out or not is a matter of trial to be concluded by the trial Court on the basis of evidence to be led before it. The Court would refrain itself from commenting anything on the merits of the case. Veracity of the allegations would be evaluated by the learned trial Court on the completion of the trial. However, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficiently long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.04.2023			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No