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Amrik Singh-deceased was having illicit relationship with the appellant. The deceased used to remain tense on that score. Shamsheer Singh, the brother of the deceased came to the house of the complainant on 24.08.2022 and found that his brother's wife was lying dead and dead body of Amrik Singh-deceased was hanging on the montie.

8. Learned counsel for the appellant contends that prior to the registration of the FIR, another FIR bearing No.357 dated 24.08.2022, under Section 302 IPC was registered at Police Station Cheeka, District Kaithal (Annexure P-2) at the instance of mother-in-law of the deceased. It was alleged that the deceased had committed the murder of his wife and thereafter, committed suicide by hanging. The appellant had no role in the commission of murder of Pooja, the wife of the deceased in the instant case. The deceased had committed suicide allegedly on the score that his wife was having illicit relationship with the appellant. The appellant had no role in the death of Amrik Singh or his wife. The deceased had not recorded any suicide note. The appellant is in custody for a period of 01 year and 02 months and not involved in any other case. Out of 31, only 01 witness has been examined till date.

9. Learned State counsel has opposed the bail application on the score that there are categoric allegations levelled against the appellant in the FIR (Annexure A-1) to the effect that the appellant was having illicit relationship with his wife which instigated the deceased to commit suicide. Furthermore, in the other FIR bearing No.357 dated 24.08.2022 (Annexure P-2), a cancellation report has been prepared as Amrik Singh, the alleged accused in that case has since died and is a victim in the instant case.

10. It is significant to note that the appellant is in custody for a period of

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01 year and 02 months and not involved in any other case. The allegations against him are to the effect that the appellant was having illicit relationship with the wife of the deceased and prompted the deceased to commit suicide. The deceased had not recorded any suicide note. Furthermore, a day prior to the registration of the present FIR, another FIR was registered at the instance of mother of Pooja, it was alleged that Amrik Singh had committed the murder of Pooja and thereafter, committed suicide by hanging. The FIR, which has been registered at the instance of the mother of Pooja, is sought to be cancelled as the accused in that case is the deceased in the instant case. Out of 31, only 01 witness has been examined till date. The charge has been framed under Section 306 IPC. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the appellant in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the appellant.

11. Without expressing any opinion on the merits of the case, the instant petition is allowed. The appellant is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

12. The appeal is accordingly allowed.

31.10.2023
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(VIVEK PURI)
JUDGE

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