

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

209

**CRM-M No. 23612 of 2023
Date of Decision : 15.5.2023**

*Dharam Singh**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ramneek Vasudeva, Advocate, for the petitioner

Mr. Subhash Godara, Addl. AG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

At the outset, learned counsel for the petitioner contends that at the time of presentation of final report, offence under Section 120-B IPC has also been added in the FIR against the petitioner. However, due to inadvertence, it could not be mentioned in the petition. It is prayed that the offence under Section 120-B IPC should also be read as part of the petition/head note.

2. Ordered accordingly.

3. This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.39 dated 23.2.2023 under Sections 306 and 34 IPC (Sections 149 and 120-B IPC added later on) registered at Police Station Sadar Kharar, District SAS Nagar.

4. The FIR was lodged on the statement of deceased's father, alleging that his daughter/deceased's marriage was solemnized with co-accused Gurjot Singh (petitioner's son) on 23.1.2022 at Ambala. No child was born out of the wedlock and the in-laws used to harass and beat her too.

For last about ten to twelve months, she alongwith her husband had been

staying in a rented accommodation at Kharar. On 21.2.2023, his daughter was left by the petitioner and his wife to the complainant's village. The next day, she came back to the rented accommodation and on account of having been harassed by her husband and in-laws, committed suicide by hanging from ceiling fan.

5. Learned counsel for the petitioner contends that the petitioner/father-in-law of the deceased has been falsely implicated in the case, as the deceased alongwith her husband was living separately in Kharar in a rented accommodation as mentioned in the FIR itself. Neither any dying declaration was recorded nor any suicide note was recovered. The allegations levelled are vague and general in nature. There is no specific attribution to the petitioner. It cannot be said that he abetted the commission of suicide in any manner, as no overt act or instigation has been alleged against him. Investigation of the case is already over and the petitioner is in custody. Co-accused/mother-in-law of the deceased has been admitted to pre-arrest bail by this Court on similar allegations vide order dated 11.4.2023 (Annexure P-3).

6. Learned State counsel, on instructions from ASI Kulwinder Singh, opposes the grant of bail on the ground that charges in the case are yet to be framed, and there are specific allegations against the petitioner. It is, however, not disputed that there was no suicide note recovered, nor was any dying declaration recorded. There are sixteen witnesses to be examined, and the petitioner is in custody since 24.2.2023.

7. The arguments advanced by learned counsel for the parties have been considered. Apparently, investigation of the case is already over, and nothing is to be recovered from the petitioner. He is in custody for the last more than two

and half months, and has no criminal antecedents. Trial of the case will take some time to conclude, and no useful purpose will be served by confining him to custody any longer.

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

(TRIBHUVAN DAHIYA)
JUDGE

15.5.2023
Ashwani

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