

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.:202

Criminal Miscellaneous No.M-27114 of 2023 (O&M)
Date of Decision: June 01, 2023

Shiv Kohli

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

Mr. Shahjid Singh Jeji, Advocate and Mr. Paras Sharma,
Advocate for the complainant.

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Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.12 dated 25.01.2023, registered under Sections 304-B, 34 IPC, at Police Station Tibba, Police Commissionerate Ludhiana, District Ludhiana.

2. Briefly, as per allegations in the FIR, the complainant's sister was married to petitioner's brother in 2018, and two children were born out of the wedlock. She was being harassed on account of insufficient dowry by her husband, in-laws, and the petitioner/*jeth*. On 25.01.2023, the complainant arranged gold loan from IIFL branch to hand over an amount of ₹1,55,000 to the deceased's husband in his office. About 3:00 p.m., he received a call from the petitioner asking him to come immediately as the deceased was not well. He immediately asked his wife to reach the deceased's house, but she found nobody there on reaching. Later, the complainant reached the hospital and found that his sister/deceased had already expired.

3. Learned counsel for the petitioner further contends that the petitioner is *jeth* of the deceased, and has nothing to do with the matrimonial disputes between the deceased and her husband. He is married since 2014 and living separately on different floor with his family, though in the same house. He had separate kitchen from that of the deceased. He has also referred to a suicide note, Annexure P-1, wherein the deceased has not blamed anybody for the commission of suicide by her.

4. Learned State counsel, on instructions from ASI Kulwinder Singh, submits that the petitioner's custody is only four months and charges are yet to be framed. There are ten prosecution witnesses to be examined. However, the factum of the suicide note is not disputed, nor that the deceased committed suicide by hanging and there were no injuries on her person. Investigation of the case is already over, and no other case is pending against the petitioner.

5. The submissions made by learned counsel for the parties have been considered.

6. Investigation of the case is over and the petitioner's custody is not required for effecting any recovery. Trial of the case will take some time to conclude, and no useful purpose will be served by confining the petitioner to custody any longer, who has no criminal antecedents.

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

(Tribhuvan Dahiya)
Judge

June 01, 2023
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