

2023:PHHC:104601

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

CRM-M-32504-2023

Date of decision : 11.08.2023

Kimti Lal Kashyap

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Mukesh Garg, Advocate, for the petitioner.

Mr.R.S.Pandher, Sr.DAG, Punjab.

DEEPAK SIBAL, J. (Oral)

1. Through the present petition the petitioner seeks regular bail in FIR No.34 dated 10.03.2023 registered under Section 306 IPC at Police Station City Nawanshahar, District SBS Nagar.

2. Briefly stated, the case of the prosecution is that Gurpreet Singh was married to Jaspreet Kaur; from the said wedlock two children were born; Jaspreet Kaur had an extra marital affair with the petitioner which was objected to by Gurpreet Singh; the petitioner used to incite Jaspreet Kaur leading to quarrels between Gurpreet Singh and Jaspreet Kaur; thereafter, Jaspreet Kaur filed a complaint with the police against Gurpreet Singh which matter was later compromised; even after the compromise Jaspreet Kaur refused to live in her matrimonial home; due to the afore circumstances, Gurpreet Singh committed suicide but before he died he made a statement to his mother/complainant that he was committing suicide on account of the affair between Jaspreet Kaur and the petitioner as also because of the quarrels between him and Jaspreet Kaur which were incited by the petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner is in custody since 10.03.2023; he does not have any other criminal antecedents; investigation in the case is complete; even if

the case of the prosecution is taken as the gospel truth, though vehemently denied, the fact that the petitioner had an affair with the deceased’s wife, would not constitute “abetment” under Section 107 IPC and that till date since only 05 out of total 19 prosecution witnesses have been examined in the petitioner’s trial, the same will take a long time to conclude.

4. Learned State counsel opposes the grant of bail to the petitioner on the ground the petitioner has abetted Gurpreet Singh’s suicide.

5. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

6. Whether the petitioner’s extra marital affair with the deceased’s wife would attract Section 107 IPC, would be debated during the course of the petitioner’s trial. However, the petitioner is in custody since 10.03.2023; he does not have any other criminal antecedents; investigation in the case is complete and therefore, he cannot influence the same and that since till date only 05 out of 19 prosecution witnesses have been examined in the petitioner’s trial, the same is likely to take a long time to conclude.

7. In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, SBS Nagar, the petitioner is directed to be released on bail.

8. It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

11.08.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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