

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

208

CRM-M No.33077 of 2023
Date of decision: 02.11.2023

Harinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Nirmal Singh Kandhola, Advocate,
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

MANISHA BATRA, J.

1. The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.11 dated 03.02.2023 registered under Section 306 of IPC at Police Station Sri Chamkaur Sahib, District Rupnagar on the basis of statement recorded by Satwinder Singh son of Ranjit Singh resident of Village Bibipur Police Station Badali Ala Singh alleging therein that his sister Akwinder Kaur was married with Amarjit Singh. On 25.01.2023 at about 9 AM, she called the complainant on his phone and informed that the present petitioner who was her brother-in-law (devar) had hurled abuses to her and as he used to harass her by quarreling with her quiet often, therefore, she had taken some poisonous substance. She requested the complainant to take care of her children. The complainant immediately

Neutral Citation No.2023:PHHC:139922

apprised Tarlochan Singh, father-in-law of his sister about the said conversation who had got her admitted in a nearby hospital but as the condition of the victim had worsened, therefore, she was taken to some other hospitals and died on 03.02.2023. He alleged that his sister had committed suicide due to harassment meted out at the hands of the petitioner and prayed for taking penal action against the culprit. On his statement, a case under Section 306 of IPC was registered. Investigation proceedings were initiated. The petitioner was arrested on 03.04.2023. After completion of necessary investigation proceedings and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court for trial of the petitioner and presently he is facing trial for commission of offence punishable under Section 306 of IPC. He had moved an application for grant of regular bail before the learned trial Court which was dismissed vide order dated 05.05.2023.

2. The present petition has been filed by the petitioner on the grounds and it was argued by the counsel today that he was in custody since 03.04.2023. No motive whatsoever have been attributed to him by the victim for giving hurling abuses to her. General allegations were levelled against him in the FIR. No case for commission of offence punishable under Section 306 of IPC had been made out. The complainant had sworn an affidavit in his favour and now he had even recorded his statement in the Court thereby exonerating him of the allegations as levelled against him. PW-2 Amandeep Singh, cousin brother of husband of the victim and PW-5 Amarjeet Singh, husband of

Neutral Citation No.2023:PHHC:139922

the victim had also not implicated the petitioner in the subject offence. The trial is likely to take time. No useful purpose was going to be served by keeping him in custody any more. Hence, it was argued that he deserved to be given concession of bail and the petition deserved to be allowed.

3. Status report on behalf of the respondent has been filed today. Learned State counsel has argued that serious and specific allegations have been levelled against the petitioner. The trial is going on at a fast pace. Therefore, he argued that the petition did not deserved to be allowed.

4. The petitioner is alleged to have abetted suicide by the victim Akwinder Kaur who was his sister-in-law and who had died due to consumption of some poisonous substance on 03.02.2023. The petitioner is in custody since 03.04.2023. The petitioner has placed on record copies of statements of PW-1 Satwinder Singh, complainant, PW-2 Amandeep Singh, cousin brother of husband of the victim and PW-5 Amarjeet Singh, husband of the victim as recorded before learned trial Court and a perusal of the same reveals that neither of them has implicated the present petitioner in the commission of offence of making any abetment to commit suicide by the victim Akwinder Kaur. Rather PW-1 is shown to have stated that the victim had good relations with the petitioner whereas PW-2 is shown to have stated that the victim herself was suffering from depression and had consumed poison whereas PW-5 Amarjit Singh is shown to have stated that she had consumed some

Neutral Citation No.2023:PHHC:139922

poisonous substance by way of mistake. It emerges from the record that all the material witnesses have not implicated the petitioner for commission of offence punishable under Section 306 of IPC. As such, no useful purpose would be served by keeping the petitioner in custody any more. Keeping in view the statements as recorded by complainant and other material witnesses before the Court, the period as spent by the petitioner and other attendant facts and circumstances, I am of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

02.11.2023
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No