

2023:PHHC:146304
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-34177-2023

Date of Decision: 17.11.2023

KULDEEP SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. S.S. Sarwara, Advocate
for the petitioner.

Mr. Harpreet Singh, Addl. A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case bearing FIR No.32 dated 16.03.2023 registered under Sections 306 and 34 IPC at Police Station Sadar Ahmedgarh, District Malerkotla.

The petitioner is facing trial in the present case, which has been registered at the instance of the father of the deceased, with the allegations that the victim committed suicide having been abetted by the petitioner, who is husband of the deceased.

Reply by way of an affidavit of Davinder Singh, PPS, Deputy Superintendent of Police, Sub Division Ahmedgarh, District Malerkotla has been filed on behalf of respondent-State, which is taken on record.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and is facing trial in the aforesaid FIR, with the allegations that he used to physically harass the deceased-wife of the petitioner. He *inter alia* contends that no offence under Section 306 IPC is

made out against the petitioner. He further submits that the petitioner is in custody since 16.03.2023 and there are no allegations of physical harassment in the FIR, which was registered at the instance of the father of the deceased-wife of the petitioner. He further contends that initially the challan was presented against the petitioner, however, an application dated 20.09.2023 was filed by the Station House Officer of the Police Station for discharge of the petitioner, which has been declined by the trial Court. Even as per the report of the Chemical Examiner, which was received after presentation of the challan, no poison was found in the viscera of the deceased-wife.

Learned counsel for the petitioner further submits that even as per the suicide note of the deceased-wife, there are no allegations of harassment against the petitioner and the allegations are against one Jassi from Bathinda and one Kuldeep from Mandiya, who have been presently nominated as accused.

On the other hand, learned State counsel opposes the bail on the ground that the allegations levelled against the petitioner are serious in nature. However, on instructions from ASI Narinder Kumar submits that investigation qua the petitioner is complete and charges have already been framed.

I have considered the above submissions and these facts have also been affirmed in para No.10 of the reply, filed on behalf of respondent-State that no poison was detected as per the report of the Chemical Examiner. Even, the factum of filing of application for discharge of the petitioner has also been affirmed in para No.11 of the aforesaid reply. Apart from this, it is submitted in status report that co-accused Ajaib Kaur and Kulwinder Kaur @ Kindo i.e. mother and sister of the petitioner have been declared innocent and Jassi

Bathinda wala and Kuldeep Mandian wala have been nominated as accused in the present FIR and DDR No.17 dated 19.09.2023 has been recorded in Police Station Sadar Ahmedgarh to this effect.

In view of the above facts and circumstances and considering the fact that the trial will take some time to conclude; investigation qua the petitioner is complete and charges have already been framed, the present petition is allowed.

The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

(HARPREET KAUR JEEWAN)
JUDGE

17.11.2023

P.Bhatt

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