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IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-40837-2023

Date of decision: 15th December, 2023

Ram Chand

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. J.S. Brar, Advocate for the petitioner.
Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
88	21.05.2022	Sadar Sri Muktsar Sahib, District Sri Muktsar Sahib	306 of Indian Penal Code, 1860 (for short 'the Act')

2. Brief facts of the case relevant for the purpose of disposal of the this petition are that on 20.05.2022, on receipt of an intimation from Civil Hospital, Muktsar regarding unnatural death of Shagandeep Kaur, a police party had reached wherein the complainant Balwant Singh, who is father of the victim recorded a statement that on 19.05.2022, his brother Ghuman Singh @ Budh Ram had gone to meet the victim at her matrimonial house. The victim firstly served him meals but then consumed some poisonous substance, due to which she had died. He stated that no-one was responsible

for her death as she had committed suicide. On the basis of his statement, proceedings under Section 174 of Cr.P.C. were initiated. However, on 21.05.2022, the complainant Massa Singh uncle of the victim got recorded a statement alleging therein that after recording statement by his brother on 20.05.2022, they had made inquiries about the cause of death of the victim and had come to know that the petitioner used to extend beatings to her and she had ended her life by consuming some poisonous substance being tired of the beatings so extended as such the petitioner was responsible for the death of the victim. On the basis of this statement, a case under Section 306 of the Act was registered. Investigation proceedings were initiated. The petitioner was arrested on 01.06.2023. After completion of the necessary investigation and usual formalities, challan under Section 173 Cr.P.C. was presented in the Court and presently petitioner is facing trial for commission of the aforementioned offences.

3. The petitioner had filed an application for grant of regular bail before the learned trial Court which was dismissed vide order dated 04.07.2023.

4. The present petition has been filed by the petitioner on the ground and it is argued by his counsel that he has been falsely implicated in this case. There was delay of two days in lodging of the FIR which had not been satisfactorily explained. The petitioner was married with the victim about eight years back and was living a happy life with her. His children were now staying with his parents. On the day of occurrence, the petitioner was not present in his house and had gone to the house of his niece. He was not responsible for the death of the victim. She had not left any suicide note.

The ingredients for commission of offence punishable under Section 306 of the Act had been made out as against him. There were vague allegations in the FIR. The trial was likely to take time. He had to take care of his small children as his ailing and aged parents were not in a position to do the same. Hence, it is argued that he deserves to be given concession of bail.

5. The petition has been resisted by the State counsel in terms of status report. It is submitted therein and learned State counsel has argued that there are serious and specific allegations against the petitioner. The statements of the relatives of the victim had been recorded during the course of investigation and it was revealed that the petitioner used to maltreat the victim and suspected her character and she was humiliated and harassed by him to such an extent that she was compelled to take the extreme step of ending her life. The material witnesses are yet to be examined, there are chances of petitioner intimidating the witnesses, if extended benefit of bail. Hence, it is argued that petition does not deserve to be allowed.

6. The petitioner is alleged to have abetted suicide by his wife by harassing and humiliating her. It is debatable as to whether the ingredients for commission of offence punishable under Section 306 of the Act have been established or not and this fact has to be decided on the basis of evidence to be led during trial. The petitioner is in custody since 01.06.2023. Trial is likely to take time. Keeping in view, the nature of the allegations which have been levelled against the petitioner, the time spent by him in custody and the attendant facts and circumstances of the case, but without meaning to make any comment, I am of the considered opinion, that he deserves to be given concession of bail.

7.

Hence, the petition is allowed, the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.
8.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
9.

Since the main case has been disposed of, pending application if any is rendered infructuous.

[MANISHA BATRA]
JUDGE

15th December, 2023
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No