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2023 : PHHC : 155570

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46887-2023

Date of Decision: 06.12.2023

RUPINDER SINGH @ RINKU

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Sandhu, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 72 dated 03.05.2023 under Section 306 IPC, registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the son of the deceased. It has been alleged that in the year 2016, the mother of the complainant had committed the murder of his father. The mother of the complainant was granted bail and the petitioner had extended help to her in the matter of bail. Thereafter, the mother and sister of the complainant started residing with the petitioner. The petitioner had developed illicit relations with the sister of the complainant and subsequently, solemnized marriage with her. The mother of the complainant was upset on that score and was being harassed by the petitioner and accordingly, she committed suicide by consuming poisonous

substance. The poisonous substance was consumed on 25.04.2023 and the death took place on 02.05.2023. Besides, the oral dying declaration made before her son, the deceased had not recorded any suicide note. Even no effort was made by the investigating agency to record the statement of the deceased during the period of her hospitalization for a period of 7 days. The petitioner and the daughter of the deceased had solemnized marriage on 08.02.2023 and had approached the Court of Sessions, Sri Muktsar Sahib seeking protection to their life and liberty. Even the deceased and the complainant were arraigned as respondent Nos. 3 and 4 respectively. In the FIR, the allegations were levelled against the petitioner and sister of the complainant. In the supplementary statement, the allegations were levelled against three other persons. All the other persons except the petitioner have been found to be innocent and challan has been presented only against the petitioner. The petitioner is in custody for a period of 7 months and 5 days and not involved in any other case.

4. Learned State counsel has opposed the bail application on the score that there are categoric allegations with regard to the harassment levelled against the petitioner in the FIR which forced her to consume poisonous substance and it resulted in her death. The investigation of the case is complete and challan has been presented in the Court

5. The petitioner had solemnized marriage with the daughter of the deceased. It appears that the same was solemnized against the wishes of the complainant and the deceased and a protection petition was also preferred before the Court of Sessions Sri Muktsar Sahib. The deceased had not recorded any suicide note. Even there is nothing to indicate that any attempt was made by the investigating agency to record her statement

during the period she remained in hospital for about 7 days. The evidentiary value of the oral dying declaration made before the son of the deceased will be a debatable and moot point during the course of trial. The petitioner is in custody for a period of 7 months and 5 days and not involved in any other case. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

7. The petition is allowed.

06.12.2023

Janki

**(VIVEK PURI)
JUDGE**

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