

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

211

CRM-M-59454-2023 (O&M)

Date of decision: 01.12.2023

Paramjeet Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Karandeep Singh, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No.66 dated 17.05.2023 (Annexure P-1) registered under Section 306 read with Section 34 of IPC at Police Station Kabarwala, District Shri Mukatsar Sahib.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 17.05.2023, the complainant-Thaman Singh, recorded his statement alleging therein that his daughter Kulwinder Kaur @ Kaudi was married with Swaran Singh. One male child was born to her out of the wedlock, who was 10 years old. His daughter had disclosed to him that Swaran Singh was having illicit relations with co-accused Shimla Rani, who was also financially dependant on him. The complainant had tried to prevail good sense upon said Shimla Rani several times but to no avail. On

15.05.2023, accused-Swaran Singh had again gone to meet Shimla Rani and on coming to know about this fact, the victim Kulwinder Kaur disclosed about this fact to her sister-Seema and also told her that due to harassment meted out at the hands of Shimla Rani, Paramjeet Singh and her husband Swaran Singh, she was ending her life and also told her that she had consumed some poisonous substance. The present petitioner is the husband of said Shimla Rani. The complainant alleged that the suicide by his daughter was abetted by the present petitioner as well as other co-accused. A case under Section 306 read with Section 34 of IPC was registered. Investigation proceedings were initiated. The petitioner was arrested on 18.05.2013. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented. Charge under Section 306 of IPC has now been framed against the petitioner and he is facing trial for commission of offence punishable under Section 306 of IPC.

3. The present petition has been filed by the petitioner on the grounds and his counsel has argued that he has been falsely implicated in this case. He is in custody since 18.05.2023. Trial is likely to take time. He had moved an application for grant of regular bail before learned trial Court which has been dismissed, vide order dated 31.08.2023. It is also argued that co-accused Shimla Rani, whose case is on the similar footing, has already been granted concession of regular bail by this Court, vide order dated 14.11.2023 passed in CRM-M-37937-2023. With these broad submissions, it is argued that on the ground of parity as well as on other grounds, the petitioner deserves to be allowed.

4. The petition has been resisted by the respondent-State. It has been argued by him that there are serious allegations against the petitioner. The trial is going on. The petitioner may intimidate the material witnesses who are yet to be examined. Therefore, it is urged that the petition deserves to be dismissed.

5. The petitioner along with the co-accused is alleged to have abetted the suicide by the victim Kulwinder Kaur @ Kaudi. The petitioner is stated to be the husband of co-accused Shimla Rani, with whom, there are allegations that the husband of the deceased was having illicit relations. No suicide note has been recovered. He is in custody for a period of about six months. His custodial interrogation is not required as investigation has since been completed. No witness has been examined so far. Chemical examination report has also not been received. There is nothing on record to show that the petitioner may intimidate the witnesses. It is admitted fact that co-accused Shimla Rani has already been granted concession of regular bail by this Court. No useful purpose will be served by detaining the petitioner in custody any more. The well settled proposition of law is that bail is the rule and jail is an exception. Keeping in view, the nature of the subject offence, the time spent by the petitioner in custody and the other attendant facts and circumstances of the case, I am of the considered opinion that the petition deserves to be allowed.

6. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

01.12.2023

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No