



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
208

CRM-M-17686-2024
Date of Decision: 11.07.2024

Kulwant Singh @ Bhundi

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Harpreet Maini, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 62 dated 24.03.2023 under Sections 306, 506, 34 IPC registered at Police Station Lambi, District Shri Muktsar Sahib (Annexure P-1).

Learned counsel for the petitioner *inter alia* submits that the present FIR has been registered on the basis of the statement made by the father-in-law of the deceased. There were 4 accused including the petitioner named in the present FIR. The other 3 accused are the mother, brother and cousin brother of the petitioner. It is admitted that the petitioner was in a love relationship with the deceased, who was a married woman. As has been noted in the FIR, the petitioner and his family members had duly offered the complainant side that they will settle the deceased in their home. It is submitted that incident regarding



17.03.2023 as mentioned in the FIR was settled between the petitioner side and the complainant side. However despite that the deceased committed suicide on 23.03.2023. As per the post mortem report (PMR), the cause of death is '*Asphyxia as a result of hanging*'. It is submitted that 3 co-accused of the petitioner are already on bail. The petitioner has been in custody since 24.03.2023 and, accordingly, it is prayed that the present petition may be allowed and the petitioner be released on regular bail.

Learned counsel for the State opposes the prayer made on behalf of the petitioner and files custody certificate dated 09.07.2024 which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 1 year, 3 months and 12 days.

Learned counsel for the State admits that as per the PMR, no injury except ligature mark on the neck of the deceased was found on the person of the deceased. Learned counsel for the State, on instructions from HC Jaswinder Singh, informs that charges were framed on 14.08.2023; and then re-framed on 23.12.2023; out of 22 witnesses none has been examined so far; and the next date of hearing before the learned trial Court is 01.08.2024.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including the (a) period of the custody of 1 year, 3 months and 12 days undergone by the petitioner as an undertrial; (b) perusal of the custody certificate shows that there is no other case pending against the petitioner; (c) that out of 22 witnesses;

The petitioner-Kulwant Singh @ Bhundi, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

Divyanshi

(NIDHI GUPTA)
JUDGE

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