

Sr. No.213+107

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-3691-2024 in/and
CRM-M-26075-2023
Date of decision: 31st January, 2024

JAGDEEP SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. K.B.S. Mann, Advocate
for the applicant-petitioner.

Ms. Himani Arora, A.A.G.,Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

CRM-3691-2024

Allowed as prayed for.

Zimni orders from 09.03.2023 to 11.01.2024 are taken on record as
Annexure P-4, subject to all just exceptions.

CRM-M-26075-2023

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.233 dated 04.10.2022, under Sections 306, 498-A and 34 IPC, registered at Police Station City Muktsar, District Sri Muktsar Sahib.
2. The present FIR has been registered against the petitioner-Jagdeep Singh and his co-accused Mandeep Kaur on the statement of Baldev Singh (father of the complainant) with the allegations that the accused have caused physical and mental cruelty to Rajinder Kaur, daughter of the complainant and they have abetted

the commission of suicide by Rajinder Kaur.

3. Learned counsel for the petitioner contends that the petitioner is the husband of the deceased. There was a matrimonial dispute between the petitioner and deceased-Rajinder Kaur due to which, the petitioner had filed a divorce petition on 18.05.2022, under Sections 13(1)(ia) and 13(1)(iii) of the Hindu Marriage Act, 1955, which was pending before the Family Court, Sri Muktsar Sahib (Annexure P-1). The deceased had also filed an application under Section 125 Cr.P.C. on 14.07.2022 before the Family Court (Annexure P-2). It is further contended on behalf of the petitioner that as per the application filed by the deceased (Annexure P-2), she left the matrimonial house on 27.04.2022 and she was residing in her parental house since then, as such, the petitioner had no occasion to ask the deceased to bring more dowry and to come back to her matrimonial house. The question of abetment to commit suicide does not arise. The petitioner is in custody w.e.f. 04.10.2022 i.e. for the last 01 year 03 months and 26 days. The basic ingredients of Section 107 IPC are not proved against the petitioner. Despite the fact that final report under Section 173 Cr.P.C. has been presented and charges have been framed, no witness has been recorded by the trial Court and the complainant has not yet appeared as a witness.

4. On the other hand, learned State counsel opposes the bail on the ground of gravity of allegations levelled against the petitioner. The State counsel has filed status report by way of affidavit of Sh. Satnam Singh, PPS, Deputy Superintendent of Police, Sub-Division Sri Muktsar Sahib, District Muktsar Sahib on behalf of respondent-State of Punjab as well as custody certificate of petitioner-Jagdeep Singh and the same are taken on record.

5. Learned State counsel contends that the postmortem of the dead body of the deceased was conducted at Civil Hospital, Sri Muktsar Sahib on 04.10.2022.

Kharar, no poison was detected in the body of the deceased. It is further contended by the learned State counsel that the petitioner is the husband of the deceased. On the day of alleged occurrence, the deceased and her mother went to the market where the petitioner met them and he asked the victim that she has not brought dowry articles, so she should commit suicide by consuming some poisonous substance or by hanging herself, so that he can perform second marriage. Due to the said reason, the deceased-Rajinder Kaur committed suicide by hanging herself with a *chunni*. The factum of filing of the divorce petition by the petitioner has been admitted in the status report.

6. I have considered the aforesaid contentions.

7. Perusal of Annexure P-4 indicates that the final report under Section 173 Cr.P.C. has been presented on 09.03.2023. Charges were framed and thereafter, many adjournments were sought but no witness has been examined till date. The petitioner and his wife (since deceased) were pursuing their matrimonial litigation in the Family Court. Both the parties had filed litigation against each other. The petitioner had filed a divorce petition under Sections 13(1)(ia) and 13(1)(iii) of the Hindu Marriage Act, 1955 and the wife (since deceased) was seeking grant of maintenance by way of filing an application under Section 125 Cr.P.C. They were not residing together for a long period before the commission of suicide by the wife.

8. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court; the petitioner is in custody for the last 01 year 03 months and 26 days but no witness has been examined till date and the trial will take some time to conclude. There is no apprehension of absconding the petitioner during the trial. The allegations of

abetment of suicide are a matter of trial, as such, without commenting on the merits of the case and keeping in view the above facts, the present petition is allowed.

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

10. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

31st January, 2024
sim

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