

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

216

CRM-M No.39553 of 2023
Date of Decision: 19.01.2024

Darshan Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Deepak K Jain, Advocate and
Mr. Akshay Jain, Advocate,
for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

MANISHA BATRA, J.

1. 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
29	29.03.2023	Sadar Rajpura, District Patiala	306 and 34 of IPC

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the complainant Gopi Ram on 29.03.2023 giving intimation about the suicidal death of his daughter Nimo Rani who was married with the present petitioner about 17 years back. It was alleged by him that the petitioner was having extra marital relations with one Balwinder Kaur from the last many years. The complainant, his daughter and other family members had tried to prevail good sense upon the petitioner but to no avail and rather the petitioner used to compel the daughter of the complainant to leave her matrimonial house. She was

Neutral Citation No.2024:PHHC:007371

extended beatings due to that reason. He alleged that it was due to being fed up with the behaviour of the petitioner that the victim had ended her life. After registration of FIR, investigation proceedings were initiated. Inquest proceedings and postmortem examination of the dead body of the victim was conducted. The petitioner was arrested on 30.03.2023. After completion of necessary investigation and usual formalities, challan was presented against the present petitioner and the co-accused Balwinder Kaur and presently they are facing trial for commission of offence punishable under Sections 306 and 34 of IPC for abetting the suicidal death of the victim.

3. The present petition has been filed by the petitioner on the ground and it has been argued by his counsel that he has been falsely implicated in this case on the basis of vague and indefinite allegations. The story that he was having an affair with the co-accused is totally false. There is nothing on record to show that he has abetted the suicide by the victim. The co-accused has already been extended benefit of bail. No suicide note has been left by the victim. Neither the complainant nor other material witnesses who are relatives of the deceased have implicated the petitioner in the commission of offence for which they have been facing trial, in their statements recorded before the Court and all of them have turned hostile. The trial is likely to take time. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has submitted that there are serious allegations against the petitioner of abetting the suicidal death of his wife. There is nothing to show that there would be any undue delay in conclusion of the trial since it has commenced. Hence, he has argued that the petition does not deserve to be allowed.

Neutral Citation No.2024:PHHC:007371

5. I have heard learned counsel for the petitioner as well as learned State counsel and have perused the material placed on record carefully.
6. The petitioner is alleged to have abetted the death of his wife which was admittedly suicidal in nature. Investigation has since been completed. Trial has commenced but is likely to take time. In their respective sworn depositions recorded before the learned trial Court neither the complainant nor other relatives of the deceased have made any deposition against the petitioner. Copies of their statements have been kept on record today which shows that all of them resiled from their prosecution version in toto and have exonerated the petitioner of the charges as framed against him. Keeping in view the nature of evidence which has come on record, the period of incarceration of the petitioner, nature of the subject offence and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be given benefit of bail at this stage. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate.

19.01.2024	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No