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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-41782-2024
Date of decision: 02.09.2024

Durgesh alias Durgesh KumarPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Davinder Kumar, Advocate, for
Mr. P. K. S. Phoolka, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0056 dated 13.04.2024 (Annexure P-1) under Section 306 IPC, registered at Police Station Canal Colony, Bathinda, District Bathinda..
2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and now he is in custody since 27.06.2024; there is complete absence of any incriminating evidence to support the allegations of marital discord between the deceased and his wife i.e. co-accused Madhu. Furthermore, the essential ingredients to invite the mischief of ‘abetment’ as outlined under Section 107 of the IPC are missing in the present case.
3. Learned counsel for the petitioner has further argued that the incident which allegedly triggered the suicide of the deceased took place on 03.04.2024 and the deceased committed suicide on 24.04.2024.



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This time gap indicates that there is no connection between the two incidents.

4. It has been further argued that the allegations in the FIR are based solely on suspicion and are completely vague, merely suggesting that the deceased took his life due to the alleged misbehaviour of his wife co-accused Madhu and her family members including the petitioner. Learned counsel has further vehemently argued that even assuming for the sake of arguments, though not conceded, that there were some strained relations between the deceased and his wife co-accused Madhu, it could not be said to be sufficient cause for abetment of suicide. Learned counsel has therefore, argued that since the petitioner has been in custody now for more than 3 months and the trial is unlikely to conclude in the near future, he be enlarged on bail, more so, since identically placed co-accused Munni Devi and Shalini have already been extended the concession of bail.

5. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel opposite has argued that petitioner and co-accused had conspired with each other, threatened the deceased with dire consequences including threats of being implicated in a false case. It has been argued that all these actions of the petitioner collectively drove the deceased to end his life. Hence, given the gravity of the allegations the petitioner does not deserve the concession of bail.

6. I have heard learned counsel for the parties and perused the material placed on record.

7. Before proceeding further, it would be apposite to reproduce the FIR in question, which has been annexed as Annexure P-1:

“Copy of Statement, statement of Geeta Devi wife of Late Sukhbir Singh son of Suresh Chander, resident of House No. MCB-Z-04080, Gali No.11, Balraj Nagar, Bathinda, aged about 45 years, Mobile



No. 85580-34242 states that I am resident of above said address and doing the work of labour. I have four children and elder son Ajay Kumar aged about 23 years younger to her daughter Bobby and younger to her daughter Kajal and youngest son Shiv Kumar that my husband Sukhbir Singh has died about 12-13 years before and my father and mother in law live with me. My elder son Ajay Kumar was doing work of junk under ITI Bridge, my son Ajay Kumar was married about one years and 3 months before to Madhu daughter of Santosh Kumar, resident of village Jakhupur, Tehsil Baduna, police station Bela, District Araria, U.P. and from the marriage of Madhu and Ajay Kumar one girl was born aged about 7 months when my son was married after 2-3 months they remained truffle between the husband and wife and thereafter their differences and altercation increased, because my son Ajay Kumar's wife, my daughter in law Madhu wanted to get Ajay Kumar separate from our house, my daughter Madhu threatened my son that if you will not stay separate from your family then I will go to my parents and I will file dowry case against you due to which my daughter in law Madhu started doing altercations with my son and on dated 03.04.2024 my son Ajay Kumar's father in law came to his second daughter Shalini wife of Durgesh Kumar, resident of gali no.8, Balraj Nagar, at from U.P. and my daughter took my son to their house, where they threatened my son of life and implicating in some false case and they took their daughter and girl child with U.P. my son earlier use to intention and thereafter started remaining in more tension on dated 12.04.2024 my son was in great tension and said to him that you go to sleep now and in the morning we will talk with respectable persons then today at about 7.00 AM in the morning when I went to give my son tea and when I opened the gate then I saw that my son has committed suicide by hanging by a sari with the ceiling fan and I raised raula then my whole family came there and after removing sari from the neck of our son took him to civil hospital, where doctor opined my son dead and his dead body kept in mortuary in civil hospital and when we came at the house and went to the room of my son then we saw that on the bed one hand written suicide note page was lying on the bed in which my son held responsible for his death his in-laws family in which father in law Santosh Kumar, mother in law Munni Devi, wife Madhu, Aarti, Anirudh, Vivek, Gunjan Devi, Shalini and Durgesh



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suicide note is presented to you, due to these persons my son had committed suicide.”

8. A perusal of the contents of the FIR reveals that *prima facie* there are no specific allegations against the petitioner of having extended any threats to the deceased. The trial would take considerable time to conclude. Hence, keeping in view the nature of allegations levelled against the petitioner, this Court deems it fit to extend him the concession of bail.

9. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

02.09.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No