

Sr. No.228

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

CRM-M-58112-2023
Date of decision: 26th February, 2024

MUNISH KUMAR **.....Petitioner**

versus

STATE OF PUNJAB **.....Respondent**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.148 dated 03.10.2023, under Section 306 of IPC, registered at Police Station Bullowal, District Hoshiarpur (Annexure P-1).
2. As per the prosecution case, the marriage of the victim-deceased was solemnized with the petitioner-husband in the year 2002. Out of the wedlock, two children were born, who are aged about 20 years and 16 years. On 28.09.2023, at about 11:00 am, the victim made a phone call to her brother-complainant and told him that the petitioner is fighting with her. She has been given beatings and the petitioner has strangulated her. The victim further told that being fed up, she has consumed a poisonous substance. The complainant immediately went to the house of the victim and came to know that the victim has been taken to Miglani Hospital, Adampur. The complainant reached said hospital and found that the victim was admitted in emergency and she was crying loudly. Victim was referred to Capitol Hospital,

Jalandhar due to her serious condition and ultimately on the next day, i.e. 29.09.2023 at about 11:45 pm, the victim died while she was under treatment at Capitol Hospital, Jalandhar.

3. Learned counsel for the petitioner contends that the petitioner is an Ex. Army person and he is presently working in FCI Store as a Security Guard. He is getting a sum of Rs.55,000/- per month from his salary and pension. Both the deceased as well as the son of the petitioner wanted to go to Canada but the petitioner wanted to send his son to Canada and thereafter, the victim could go to Canada. It is further contended that the in-laws of the petitioner demanded money from the victim. On 18.08.2022, the victim took a loan of Rs.1,20,000/- against her gold ornaments and gave that money to her mother. The complainant, who is the brother of the victim, is a drug addict and he has always demanded money from his sister. At the time of commission of suicide by the victim, the petitioner was not present and only a servant was present at their house. The petitioner is behind bars since 03.10.2023 i.e. for a period of more than 04 months. The trial is going to take some time to conclude, as such, prayer has been made for releasing the petitioner on bail.

4. The learned State counsel has opposed the bail application of the petitioner on the ground of gravity of allegations levelled against the petitioner.

5. I have considered the aforesaid contentions.

6. There are serious allegations against the petitioner that he had beaten up the victim and tried to strangle her. In this regard, the complainant had received a telephonic call from the victim immediately after the alleged occurrence. As per the medical record (Annexure R-2), the victim committed suicide by consuming Celphos poison. The petitioner fled away from judicial custody when he

FIR No.183 dated 08.12.2023 has been registered under Sections 223, 224 and 225 IPC. However, on 25.12.2023, the petitioner surrendered before the trial Court and since then, he is in judicial custody. The trial is at the nascent stage. Statements of material witnesses are yet to be recorded.

7. Keeping in view the conduct of the petitioner that he fled from judicial custody and the gravity of allegations levelled against the petitioner, it is not a fit case to release the petitioner on bail, as such, the present petition stands dismissed.
8. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

26th February, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>