

(2008) 12 P&H CK 0195

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal Miscellaneous 29761-M of 2008

Darshan Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 8, 2008

Acts Referred:

- Criminal Procedure Code, 1973 (CrPC) - Section 439
- Penal Code, 1860 (IPC) - Section 107, 306

Citation: (2009) 5 RCR(Criminal) 766

Hon'ble Judges: Ajai Lamba, J

Bench: Single Bench

Advocate: G.P.S. Bal, for the Appellant; C.S. Brar, DAG, Punjab, for the Respondent

Final Decision: Allowed

Judgement

Ajai Lamba, J.

This petition has been filed u/s 439 Cr. P.C. for bail to the petitioner in case FIR No. 231 dated 1.8.2008 lodged for commission of offences under Section(s) 306 IPC, with Police Station, Kharar, District SAS Nagar, Mohali.

2. It has been contended that the complainant is brother of Sukhwinder Kaur. Allegation in brief is that Sukhwinder Kaur got married to the petitioner in 1992. The two have two children aged 13 years and 11= years. There is allegation that the petitioner is a drunkard and used to harass and torture Sukhwinder Kaur, therefore, she consumed some poisonous substance.

3. Learned counsel contends that per-se allegations of being a drunkard and causing harassment would not constitute abetment to commit suicide as defined u/s 107 IPC.

4. It would be a moot question to be determined by the trial court whether, per se, habit of drinking and causing harassment would constitute abetment to commit

suicide.

5. Without commenting on the merits of the case, the petition is allowed.

Bail to the satisfaction of CJM/Duty Magistrate, Mohali.