

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

CRM-M-11944 of 2015 (O&M)
Date of decision:- 12.5.2015

Balwinder Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr. Mikhail Kad,A.A.G, Punjab

TEJINDER SINGH DHINDSA, J. (ORAL)

This order shall dispose of the instant petition filed under Section 439 Cr.P.C seeking concession of regular bail to the petitioner in case FIR No. 70 dated 05.09.2014 under Sections 306/506/148/149 of the Indian Penal Code, registered at Police Station Jhunir, District Mansa.

Counsel for the parties have been heard.

The deceased in the present case is Bahadur Singh, who is stated to have committed suicide on 05.09.2014. Complainant is the wife of the deceased. As per complainant's version, there was a dispute with regard to joint land holding between the family members i.e. Bahadur Singh on the one side and his brother-Balwinder Singh, present petitioner on the other side. A complaint in relation thereto had been lodged against deceased-Bahadur Singh and it has been alleged that SI Kishan Kumar of Police Station Jhunir had been pressurizing the deceased to enter into some kind of compromise.

The allegations insofar as the present petitioner are that on the relevant night when Bahadur Singh allegedly committed suicide, he had named SI Kishan Kumar, his brother-Balwinder

Singh (present petitioner), mother-Dalip Kaur and Chhinder Kaur, stating that they would snatch the land and send his children to jail.

No overt act/action has been attributed to the petitioner from which an inference may be drawn that a situation was created which left the deceased with no other option but to commit suicide.

Under such circumstances, the issue as to whether offence under Section 306 of the Indian Penal Code is at all made out would be moot question to be considered during the course of trial.

Learned State counsel has apprised the Court that the challan was presented on 11.12.2014 and even though 18 prosecution witnesses have been cited but none has been examined till date. The trial as such would take time to conclude.

The petitioner has been in custody since 16.09.2014. Co-accused Chhinder Kaur has been granted the benefit of regular bail by this Court in the light of the order dated 24.03.2015 passed in CRM-M-8768 of 2015.

In the considered view of this Court, petitioner is entitled to the concession of bail.

Petition is allowed.

Petitioner-Balwinder Singh be enlarged on bail subject to the satisfaction of the trial Court/Chief Judicial Magistrate, Mansa.

It is clarified that the observations contained in this order are confined only as regards consideration of the prayer of the petitioner for grant of bail and would have no bearing on the merits of the trial.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

12.5.2015

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