

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30071-2015

Date of Decision: September 17, 2015

Binder Singh @ Jaswinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. T.S. Sangha, Senior Advocate, with
Mr. H.S. Sangha, Advocate,
for the petitioner.

Mr. K.S. Pannu, DAG, Punjab,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioner, Binder Singh @
Jaswinder Singh, son of Harnek Singh, resident of Patti Road,
Barnala, who has been booked for having committed the
offences punishable under Sections 306 and 494 read with
Section 34, IPC, in a case arising out of FIR No. 95, dated
28.4.2015, registered at Police Station, City, Barnala.

Learned counsel contends that Dilpreet Kaur is sister-

in-law of the petitioner; initially Dilpreet Kaur had solemnized her marriage with Kiranjit Singh (since deceased) against the wishes of her parents; Dilpreet Kaur solemnized her second marriage with Beant Singh (co-accused) and thereafter Kiranjit Singh was allegedly abetted by the petitioner and his co-accused to commit suicide.

Learned Senior counsel submits that even if the whole case of the prosecution is taken at its face value, then also the essential ingredients of Section 107, IPC, with regard to abetment are not attracted qua the petitioner, Binder Singh @ Jaswinder Singh. He further submits that the petitioner was arrested on 17.5.2015 and after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has also been presented, therefore, further incarceration of the petitioner would not be of any consequence. It has also been pointed out that Beant Singh and Dilpreet Kaur, co-accused of the petitioner, are also behind the bars.

Learned counsel for the State has not controverted the factual position explained by learned Senior counsel for the petitioner. However, he submits that the petitioner being brother-in-law (*Jija*) of Dilpreet Kaur, had played vital role in

abeting Kiranjit Singh Singh to commit suicide.

After hearing learned counsel for the parties and going through the material available on record, this Court is of the firm opinion that applicability of Section 306, IPC, qua the petitioner, would be a moot point during trial. It has also been pointed out that Section 494, IPC, would also be not applicable qua the petitioner.

Keeping in view totality of the facts and circumstances of the case, the present petition is allowed. The petitioner, Binder Singh @ Jaswinder Singh, son of Harnek Singh, resident of Patti Road, Barnala, is directed to be released on bail during pendency of the trial of the present case subject to his furnishing bonds in the sum of ₹50,000/- (Rupees fifty thousand only) with one surety of the like amount, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Barnala.

(NARESH KUMAR SANGHI)
JUDGE

September 17, 2015
Pkapoor