

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

CRM-M-3378-2015 (O&M)

Date of Decision: February 6, 2015

Bhola Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.A.S.Mann, Advocate
for the petitioners.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab.

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Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C.,
is for grant of regular bail to the petitioners Bhola Singh and
Jagsir Singh alias Seera, who have been booked for having
committed the offence punishable under Section 306, IPC, in a
case arising out of FIR No.116, dated 25.10.2014, registered at
Police Station, City-II, Mansa.

Learned counsel contends that the house of the
maternal uncle of Gaurav (since deceased) is in the vicinity of the
house of the petitioners. Gaurav was residing at the house of his

maternal uncle. On the day of occurrence, i.e. 24.10.2014, Gaurav had come to the house of the petitioners, where a quarrel took place and during the said quarrel the petitioners had passed the remarks that Gaurav was residing at the house of the maternal uncle and thereafter his maternal uncle and mother arrived at the spot and took away Gaurav to their house. He further contends that even if the allegations are taken at their face value then also there is no abetment to commit suicide. He further contends that petitioners are behind the bars from 24.10.2014 and after completion of the investigation, chargesheet (report under Section 173, Cr.P.C.) has already been presented before the Court below. It has also been contended that the petitioners are neither required nor involved in any other case.

Learned counsel for the State, on instructions from ASI Balwinder Singh of Police Station, City-II, Mansa, very fairly concedes that in addition to the remarks that Gaurav (since deceased) was residing at the house of his maternal uncle, it was also uttered by the petitioners that either Gaurav should leave Mansa or should hang himself.

I have heard the learned counsel for the parties and with their able assistance gone through the material available on

record.

The culpability of the petitioners are to be substantiated during the course of trial. The words uttered by the petitioners could attract the mischief of Section 306, IPC would be a moot point during course of trial. After completion of the investigation, chargesheet has already been presented before the Court below.

Keeping in view the totality of the facts and circumstances of the case, the present petition is allowed. Petitioners-Bhola Singh son of Kartar Singh and Jagsir Singh alias Seera son of Bhola Singh, both residents of Ward No.7, Mansa, are ordered to be released on bail during pendency of the trial of the present case subject to their furnishing bail bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate, Mansa.

February 6, 2015
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(NARESH KUMAR SANGHI)
JUDGE