

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

CRM-M-40478-2015 (O&M)

Date of Decision: December 4, 2015

Lakhvir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Jagraj Singh Khiva, Advocate
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

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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, Lakhvir Singh, son of Satpal Singh, resident of near Jaure Darwaje Barnala, Tehsil and District Barnala, who has been booked for having committed the offence punishable under Section 306, IPC, in a case arising out of FIR No.22, dated 25.01.2015, registered at Police Station, City, Barnala, District Barnala.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value then also the gravamen of Section 306 is not substantiated to fix the petitioner for the offence punishable under Section 306, IPC. To elaborate his argument, it has been contended that Sarabjit Kaur was found missing since 07.01.2015 and thereafter her dead body was found in the rubbish of a water channel on 24.01.2015. It has not emerged from the autopsy conducted by the Medical Officer as to how the death of Sarabjit Kaur had taken place. He further points out that the only allegation against the petitioner is that he had objected to the visit of Dr.Hari to the house of Sarabjit Kaur, whose husband was residing abroad, which by itself would not be sufficient to say that the petitioner abetted Sarabjit Kaur to commit suicide. It has also been pointed out that the petitioner is behind the bars from 25.01.2015 and after completion of the investigation, the charge-sheet (challan) was presented long back and the charges have been framed. He further states that further incarceration of the petitioner would be of no consequence.

Learned counsel for the State has fairly conceded that except the oral statements of Manpreet Kaur, Kulwinder Kaur and

Kulwinder Singh, there is no other material to substantiate the abetment alleged to have been extended by petitioner-Lakhvir Singh to force Sarabjit Kaur to commit suicide. He also concedes that the petitioner is behind the bars from 25.01.2015 and after completion of the investigation, the charge-sheet (challan) has been presented.

After hearing the learned counsel for the parties and going through the material available on record, this Court finds that the applicability of Section 306, IPC, would be a moot point during trial. Elaborate discussion by this Court at this stage regarding the medical evidence and the veracity of the statements recorded under Section 161, Cr.P.C., of Manpreet Kaur, Kulwinder Kaur and Kulwinder Singh would be prejudicial to the interest of either party.

Since the petitioner has already suffered incarceration for a sufficient long time and the investigation qua him is complete and, as such, the present petition is accepted. Petitioner-Lakhvir Singh, son of Satpal Singh, resident of near Jaure Darwaje Barnala, Tehsil and District Barnala, is ordered to be released on bail during pendency of the trial of the present case subject to his furnishing bail bonds in the sum of ₹50,000/-

(Rupees fifty thousand only) with one surety in the like amount to the satisfaction of learned Chief Judicial Magistrate/ Duty Magistrate, Barnala.

December 4, 2015
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(NARESH KUMAR SANGHI)
JUDGE