

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5732 of 2015(O&M)

Date of Decision: 10.3.2015

Jagroop Singh @ Rupa

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. N.S. Dandiwal, Advocate for the petitioner.

Mr. Nikhil K. Chopra, D.A.G., Punjab.

Mr. S.S. Rana, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.166 dated 16.6.2014 under Section 302 I.P.C registered at Police Station, Dharamkot.

Learned counsel for the parties have been heard.

It has gone uncontroverted that even though, at the initial stage of registration of F.I.R, offence under section 302 I.P.C had been cited but after conducting investigation the challan was presented under section 306 I.P.C.

F.I.R was registered on the statement of Ratto Bai widow of Nihal Singh, who had allegedly stated that her daughter namely Surjeet Kaur (since deceased) had gone missing on 16.6.2014. Further allegation was that upon looking for her along with her brother-in-law (devar) they saw a truck coming from the opposite side and in which Jagroop Singh and deceased Surjeet Kaur were quarreling. Further alleged that upon seeing the

complainant and Gurmit Singh, Jagroop Singh, present petitioner grappled with deceased Surjeet Kaur and pushed her in the canal and as a result of which she died of drowning.

During the course of trial the statements of Ratto Bai, PW-1 as also Gurmit Singh, PW-2 i.e. both the eye witnesses have been duly recorded. The statements have been placed on record and perusal thereof would reveal that both the eye witnesses have resiled from their earlier stand on the basis of which the F.I.R has been registered. Both PW-1 and PW-2 i.e. the eye witnesses to the alleged occurrence have not supported the prosecution version.

Even otherwise, as per F.I.R there are no allegations with regard to the present petitioner having abetted deceased Surjeet Kaur in having committed suicide.

As such, it would be a moot question as regards offence under section 306 I.P.C having been made out.

The petitioner has been in custody since 18.6.2014.

Learned State counsel apprises the Court that the trial is still at the initial stage as out of 17 prosecution witnesses having been cited only 7 have been examined till date.

In the totality of circumstances and without making any observations on merits of the case, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Trial Court.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

March 10, 2015
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