

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

CRM-M No.9777 of 2015
Date of Decision: 31.03.2015

Gurjit Singh & anotherPetitioners

Vs

The State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jitender Dhanda, Advocate
for the petitioners.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana.

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?*

RAJ MOHAN SINGH, J. (Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.492 dated 03.12.2014 registered under Sections 147, 323, 356, 379-A, 306, 506 read with section 149 IPC, at Police Station Bhuna.

The FIR came to be registered on the statement of Sunil Kumar, who alleged that his son Prince aged about 21 years was student of JBT at Govt. Primary School, Bhuna.

On 02.12.2014, Prince went to school on his motorcycle and came back. He told the complainant and his wife that someone called him on telephone. He went there and found

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seven persons standing over there. Pardeep was one of them. All the persons gave him beatings and snatched away his mobile phone with the threatening that it was a lesson for him to make missed call to the sister of Pardeep. After narrating this story, Prince went away on his motorcycle and thereafter did not come back. A suicide note is alleged to have been recovered by the police from one Gaurav Kumar. Gaurav Kumar has endorsed at the tail of the suicide note that he found the suicide note by the side of the dead body along with purse.

Learned counsel for the petitioners argues that ingredients of offence under Section 306 IPC are not attracted in as much as that there is no concerted effort on the part of the petitioners to abet the crime in terms of Section 306 IPC. Even if the prosecution story is taken to be correct on its face value, the only attribution is that the petitioner along with others thrashed Prince to some extent so as to forbid him from making contact with the sister of Pardeep in future.

As against this, learned State counsel vehemently argues that call details between Pardeep and petitioners have been verified and the suicide note was found near the dead body in the purse along with other documents. Mobile phone was also recovered from one of accused namely Jagajit Singh.

Be that as it may, it would be a debatable issue before the trial Court. Cause of death of Prince is shown to be drowning and perusal of suicide note shows that same was produced before

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the police 04.12.2014. The FSL report is still awaited in respect of handwriting of suicide note. Challan stands presented. Petitioner No.1 is in custody since 08.12.2014 and petitioner No.2 is in custody since 04.12.2014. Trial Court may take some time to conclude the trial.

Petitioners are ordered to be released on regular bail on their furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate, Fatehabad.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

[Raj Mohan Singh]
Judge

31.03.2015
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