

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

***CRM No.M-17125 of 2016 (O&M)
Date of decision : 25.05.2016***

Pritpal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Harbhagwan Singh, Senior Advocate with
Mr. Rajesh Gupta, Advocate for the petitioner.

Mr. K.D. Sachdeva, Additional Advocate General, Punjab.

Mr. H.S. Kathpal, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

CRM No.17230 of 2016:

Application is allowed as prayed for. Copy of the challan dated
12.05.2016 is taken on record at Annexure P-8.

Application is disposed of.

Main case:

This order shall dispose of the present petition filed under
Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending
trial in case FIR No.40 dated 24.04.2015, under Sections 306/34 IPC,
registered at Police Station Division No.1, District Ludhiana.

FIR came to be registered on the statement of Smt. Ranjit Kaur.
Deceased is Surjit Singh who is stated to have committed suicide on
22.04.2015 by consuming sulphas tablets. Complainant is the wife of the
deceased.

As per complainant's version, her deceased husband was
staying in a large joint family consisting of many brothers. Present

petitioner/accused, Pritpal Singh is the real brother of deceased, Surjit Singh.

Allegations are that at the time of division of joint family property, the rightful share has been denied to Surjit Singh (since deceased). Further, it has been alleged that due share of income from the joint family assets was also not being made over to Surjit Singh (since deceased). There is also an allegation that the present petitioner had given slaps to Surjit Singh and on account of such circumstances, he was feeling highly perturbed and which led him to take the extreme step of ending his life.

Petitioner was arrested on 16.03.2016.

Counsel appearing for the complainant would vehemently oppose the present petition by stating that the deceased had left behind a suicide note in which the name of the present petitioner prominently figures.

Investigation in the case is complete and the challan has been presented on 14.05.2016.

It has gone uncontroverted that the authenticity of the suicide note and to be in the handwriting of Surjit Singh (since deceased) has not been established as report of the expert has not even been sought.

Be that as it may, even if the contents of the suicide note placed on record at Annexure P-2 are taken to be correct at their face value, there are assertions with regard to a sum of Rs.15 lacs to be due from one Ram Pal, a sum of Rs.20 lacs due from Parmod and a sum of Rs.18 lacs from one S.K. Traders. The suicide note at Annexure P-2 apart from pointing the finger towards the present petitioner also contains names of three other persons/agency from where money was due.

The issue as to whether, the role attributed to the present petitioner as per version of the complainant as also contained in the suicide note subject to its authenticity being established would fall within the mischief of abetment to suicide would be a moot question to be considered by the trial Court.

It is not the case made out against the present petitioner that if benefit of bail is granted, he would be in a position to influence and hamper the course of trial.

In view of the above and without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Disposed of.

25.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**