

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

**Criminal Misc. No. M-18145 of 2016
Date of decision: 27.05.2016**

Sarabjeet Singh @ Sabbi

..Petitioner

Versus

U.T. Chandigarh

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Kapil Aggarwal, Advocate
for the petitioner.

Mr. Gautam Dutt, Advocate
for the respondent – UT Chandigarh.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Sarabjeet Singh @ Sabbi for grant of regular bail in case FIR No.30 dated 06.03.2016 registered under Section 306 of Indian Penal Code at Police Station Sarangpur, U.T. Chandigarh.

Learned counsel for the petitioner submits that the aforesaid FIR was registered on the basis of statement made by deceased before her death. As per allegations levelled in the FIR, there was engagement of petitioner with the complainant and he refused to marry with her. Thereafter, the deceased consumed poison. Learned counsel also submits that no offence under Section 306 IPC is made out against the petitioner as there was no abetment. There was delay of two days in lodging of the FIR

but the same has not been explained. The petitioner is in custody since 06.03.2016.

Learned counsel appearing for the respondent-UT Chandigarh has not disputed the custody period but opposes grant of regular bail to the petitioner.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR as well as other documents available on file.

A perusal of FIR would show that there was engagement of petitioner with the deceased and he refused to marry with her. Thereafter, the deceased consumed poison and died. The allegations of abetment are matter of evidence, which can be tested during trial. Nothing can be said at this stage.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner is in custody since 06.03.2016; there is no possibility that the petitioner is going to influence the complainant as the FIR was lodged by the deceased herself; the trial may take some time in final conclusion and no purpose would be served in case, the petitioner is kept behind the bars, the present petition is allowed. The petitioner (Sarabjeet Singh @ Sabbi) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

27.05.2016
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(DAYA CHAUDHARY)
JUDGE