

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-41184 of 2016
Date of decision : December 21, 2016

Sohan Lal and another

....Petitioners

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. JS Toor, Advocate, for the petitioner
Mr. J.S.Brar, AAG, Punjab, for the respondent

Fateh Deep Singh, J. (Oral)

The allegations against petitioners Sohan Lal and Shiv Kumar, both brothers, in this regular bail application under section 439 Cr.P.C. are that they happened to be the tenants of deceased Satpal and in respect of tenanted premises a civil dispute has ensued between the parties which was pending in a court of law. It is alleged that three days prior to the death of the deceased which took place on 26.7.2016, the petitioners had threatened the deceased to do whatever he may feel like and even may die.

The contentions of the counsel for the petitioners Mr. Toor are that mere reading of the statement of complainant Ashish Dhiman son of the deceased does not bring about any allegations of abetment to suicide and there is no semblance of evidence connecting the petitioners with the commission of offence. Even finding on the writing as to be the alleged suicide note is not conclusive. The factual scenario is not disputed by the

learned State counsel including the averments made by counsel for the petitioner that the petitioners are in custody since 27.7.2016.

Keeping in view that the very attraction of offence under section 306 IPC being a debatable issue and that the trial is not likely to be concluded in near future and no purpose will be served by detaining the petitioners in jail, without adverting to the merits of the case, the instant application is allowed. Bail to both the petitioners to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Shaheed Bhagart Singh Nagar.

The present petition stands disposed off accordingly.

December 21, 2016
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?

Yes/No

Whether Reportable ?

Yes/No