

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-4237 of 2016 (O&M)

Date of Decision: 17.02.2016

Jasbir Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. K.D. Sachdeva, Addl. A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.77 dated 3.7.2015 under section 306 I.P.C registered at Police Station, Dhariwal, District Gurdaspur.

Learned counsel for the parties have been heard.

F.I.R was registered on the statement of Rajwant Kaur. Gurwinderbir Singh, husband of the complainant is stated to have committed suicide on 2.7.2015 by shooting himself. As per complainant's version, her deceased husband was having a money dispute with co-accused Gaurav Saini and on account of which her father-in-law Jasbir Singh (present petitioner), step mother-in-law Narinder Kaur, adopted daughter Kulwant Kaur, elder brother of father-in-law Tarsem Singh and his son Malkiat Singh used to harass Gurwinderbir Singh. Further allegations are that 2/3 days prior to the occurrence present petitioner had called upon the deceased to vacate the house and on account of which the deceased was upset having felt insulted being the ex-Sarpanch of the village. It was

alleged that on account of such circumstances deceased had committed suicide on 2.7.2015.

For offence of abetment to suicide to be made out, there has to be an overt or direct role attributed to the accused which left the deceased with no option but to end his/her life. Against the allegations contained in the F.I.R the question as to whether offence under section 306 I.P.C is made out, would be a moot question.

Petitioner was arrested on 3.7.2015. Investigation having been completed, challan was presented on 28.8.2015.

Learned State counsel upon instructions from ASI Vijay Kumar would apprise the Court that the matter is before the Trial Court at the stage of framing of charges. The trial, as such, is at the very initial stage and would take time to conclude.

It has also gone uncontroverted that co-accused Gaurav Saini has been granted concession of anticipatory bail by this Court in the light of order dated 21.1.2016, passed in CRM No. M-38339 of 2015.

In view of the above circumstances, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Gurdaspur.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

17.02.2016
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