

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

**Criminal Misc. No. M-4954 of 2016
Date of decision: 17.02.2016**

Jaspal Singh

..Petitioner

Versus

State of Punjab

..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. Harvinder Singh Mann, Advocate
for the petitioner.

Mr. Rupam Aggarwal, DAG, Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Jaspal Singh for grant of regular bail in case FIR No.53 dated 17.06.2015 registered under Sections 306 read with Section 34 of Indian Penal Code at Police Station Boha, District Mansa.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas in the first statement made by the father of the deceased, the petitioner was not named. No offence is made out under Section 306 read with Section 34 IPC against the petitioner as only the name and call-details of co-accused, namely, Kulwinder Singh, are there. It cannot be said that

the petitioner was involved and he instigated the deceased to commit suicide. The FIR was registered after a delay of 4 days and the same has not been explained. Learned counsel for the petitioner also submits that even as per provisions of Section 107 IPC, essential ingredients are not fulfilled for implicating the petitioner. The petitioner is in custody since 17.06.2015. The complainant has been examined and there is no possibility that the petitioner may influence the other witnesses. The allegations are matter of evidence, which can be seen during trial.

Learned State counsel has not disputed the custody period but opposes grant of bail to the petitioner as the mobile detail of calls exchanged between the deceased and accused persons are available on record. Learned State counsel has fairly admitted that the calls were also made by the daughter of the complainant.

Heard arguments of learned counsel for the petitioner as well as learned State counsel.

Keeping in view the submissions made by learned counsel for the petitioner and also the fact that the allegations are matter of evidence, which can be seen during trial; statement of complainant has been recorded and the petitioner is in custody since 17.06.2015, the present petition is allowed and the petitioner (Jaspal Singh) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

17.02.2016
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(DAYA CHAUDHARY)
JUDGE