

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

CRM M-5194 of 2016

Date of decision : 09.05.2016

Davinder Singh @ Jinda

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Gaurav Chopra, Advocate for the petitioner.

Mr. Shilesh Gupta, Addl. A.G. Punjab.

Mr. Bhaskar Sharma, Advocate for the complainant.

RAJAN GUPTA J.

This is a petition filed under Section 439 Cr.P.C. seeking regular bail in a case registered against the petitioner vide FIR No. 158 dated 05.09.2014 under section 306 IPC at Police Station Makhu district Ferozepur.

Learned counsel for the petitioner submits that there is delay in lodging the FIR. Petitioner is incarcerated since 19.02.2015. Deceased committed suicide after fourteen years of marriage. He is, thus, entitled to bail.

Prayer has been opposed by learned State counsel. According to him, petitioner abetted the suicide of deceased and his two children. To prove his complicity, prosecution has found that there were ninety-eight calls from 21.04.2014 to 23.04.2014 between him and Paramjeet Kaur. Besides, Paramjeet Kaur, mother of the deceased cremated her minor son Manjot at 8.00

p.m. at night without informing anybody. Both accused, thus, acted in connivance with each other.

I have heard learned counsel for the parties.

FIR was lodged by Gurpartap Singh. It was stated that Sukhraj Singh, elder son of complainant used to work in Dubai. In his absence, his wife developed illicit relations with petitioner Davinder Singh. When Sukhraj Singh returned to India, his wife left his company and started living with Davinder Singh. On 20.04.2014, Sukhraj Singh was found missing alongwith his two children. Later, dead body of minor boy Manjot was recovered from the canal. Father of deceased Sukhraj Singh made a complaint to DIG, Police alleging that his son and two children had been murdered by the accused. During investigation, it was found that Davinder Singh and Paramjit Kaur were in close contact with each other. Around the time of occurrence, there were ninety-eight calls exchanged between them. When body of minor son was recovered, she allegedly cremated the same at 8.00 P.M. without informing other members of the family. Stand of the prosecution is that both accused created such circumstances which compelled deceased Sukhraj Singh to commit suicide alongwith his two children.

Keeping in view gravity of offence and nature of allegations, I am of the considered view that petitioner is not entitled to concession of bail. Dismissed.

May 09, 2016

Ajay

(RAJAN GUPTA)
JUDGE