

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

CRM No.M-9934 of 2016 (O&M)

Date of decision : 01.04.2016

Bodh Raj @ Bodha

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. Munish Puri, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.122 dated 22.09.2015, under Sections 306/452/506/34 IPC, registered at Police Station Division No.2, Pathankot, District Pathankot.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Om Parkash. Deceased is son of the complainant i.e. Dharminder Kumar who is stated to have committed suicide by hanging on 22.09.2015.

As per version of complainant, his son Dharminder Kumar (since deceased), Sunny @ Landa and the present petitioner had been convicted for offence under Section 307 IPC. It was asserted that Sunny @ Landa and the present petitioner had a fight with Dharminder Kumar while in jail because of which they had been sent to separate jails. On 20.09.2015, while deceased had gone to a place of worship, it is alleged that the petitioner and the other co-accused Sunny @ Landa and one Aman Thakur had beaten him up and had insulted him whereupon Dharminder Kumar had run away and reached the house. Allegations are that the accused even reached house of the complainant, broke open the doors and threatened Dharminder Kumar yet again. On 22.09.2015, Dharminder Kumar is stated

to have hung himself from a wooden baton with the aid of a rope.

Petitioner was arrested on 08.01.2016.

Counsel appearing for the petitioner would refer to document at Annexure P-2 to contend that the fight inside the jail premises was between Dharminder Kumar and Sunny @ Landa and on account of which Sunny @ Landa was shifted to a separate jail whereas the present petitioner and Dharminder Kumar had been shifted to Faridkot Jail. It is further submitted that sentence of the petitioner as also Dharminder (since deceased) was suspended by this Court in relation to their conviction under Section 307 IPC on the same date i.e. on 01.12.2014. Co-accused, Sunny @ Landa had come out on parole in the month of September, 2015 thereafter the alleged occurrence had taken place.

It is argued that under such circumstances, the offence of abetment to suicide under Section 306 IPC to be made out against the present petitioner would be a moot point.

Learned State counsel has apprised the Court that investigation in the case is complete, challan stands presented and even charges have been framed on 21.03.2016.

Trial is still at the very initial stage and would take time to conclude.

Without making any observations on merits, the present petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Pathankot.

Disposed of.

01.04.2016

(TEJINDER SINGH DHINDSA)
JUDGE