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

**CRM-M No.2893 of 2017
Date of Decision: 03.02.2017**

HARBANS SINGH & ANR

.....Petitioners

Vs

STATE OF PUNJAB & ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. P.S. Dhaliwal, Advocate
for the petitioners.

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

RAJ MOHAN SINGH, J.(Oral)

Petitioners seek grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.64 dated 24.10.2016, registered under Section 306/34 IPC at Police Station GRPS Faridkot, District Faridkot.

The complainant alleged that his son Satnam Singh was a contractor. He was constructing a house of Ninder Singh in village Khote. On 21.10.2016, he stopped at a Dhaba on drain for having a refreshment. Two motorcyclists fell into the drain which was dung by the JCB machine, who were later on identified to be the petitioners. They were taken out from the

channel by son of the complainant with the help of others. Both of them were found to be in drunken condition. As a gesture of sympathy, both were dropped at their village. On 23.10.2016, three persons namely Harbans Singh, Lachman Singh and Harvinder Singh came to the son of the complainant at the place of construction at village Khote and alleged allegation of stealing of Rs.7 lacs. Those three persons also came to the house of the complainant and repeated the allegation. Son of the complainant felt it very bad and told his father that till date he was earning his livelihood by honesty and by doing hard work and the aforesaid three persons have levelled false allegation of stealing against him. Son of the complainant felt dejected and remained sad thereafter. He also exhorted that he will die. The complainant tried to persuade him, but ultimately his son committed suicide by jumping before the train.

Learned counsel for the petitioners by referring to the affidavit of the complainant submitted that the allegations were not true and the petitioners were innocent from the very inception. Further, the applicability of offence under Section 306 IPC would remain a debatable issue in the context of its ingredients as there was no allegation of concerted effort by the petitioners in abetting the commission of crime.

At this stage, without adverting to the merits of the

case, I am of the view that petitioners, who are in custody since 26.12.2016 can be enlarged on bail.

In view of above, petition is allowed. Petitioners are ordered to be enlarged on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Faridkot.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 03, 2017.

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No