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

**CRM-M No.36244 of 2016
Date of Decision: 31.01.2017**

DOGAR SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. M.L. Saggar, Sr. Advocate with
Ms. Armaan Saggar, Advocate
for the petitioner.

Ms. Rimplejeet Kaur, A.A.G., Punjab.

Mr. G.S. Sidhu, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.60 dated 20.12.2015, registered under Section 306 IPC at Police Station Sehna, Tehsil Tapa, District Barnala.

The complainant lodged the FIR with the allegations that her son Gurbans Singh @ Gora was a farmer. He entered into agreement to sell in respect of 21 *Biswas* of land with Mohinder Singh through Raj Singh Sarpanch of the village.

Resultant sale deed was executed in favour of Surjit Kaur wife of Mohinder Singh on 20.06.2014. At the time of registration of the said sale deed, the deceased Gurbans Singh was allegedly asked to admit the passing of consideration before the Tehsildar Tapa. Thereafter, Mohinder Singh and Raj Singh refused to pay the amount to the son of the complainant.

Further allegations are that about one and half year prior to the occurrence, Dogar Singh, Mohinder Singh and Raj Singh agreed to offer 9 *Biswas* of land to the deceased son of the complainant. In this context agreement to sell was executed on 07.08.2014, but the same was not honoured by the parties.

Learned Senior counsel for the petitioner submitted that the sale deed could have been executed directly in favour of the deceased son of the complainant. Learned counsel further submitted that petitioner is still ready and willing to perform his part of obligation by way of executing sale deed in favour of the legal representatives of the deceased.

Learned State counsel stated that the challan has already been presented. Two of the prosecution witnesses have been partially examined.

Apparently, no civil suit for specific performance was filed for enforcement of agreement to sell dated 07.08.2014. Gurbans Singh committed suicide. The complainant alleged

incriminating allegations on the basis of suicide note.

The allegations would be tested on the strength of ingredients of offence under Section 306 IPC inasmuch as that the concerted effort on the part of the accused is required to be proved in order to constitute offence under Section 306 IPC.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 27.01.2016 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

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

January 31, 2017.

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No