

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

CRM-M-37481-2017

Date of decision:- 20.11.2017

Balwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. B.S. Bhalla, Advocate  
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

Ms.Alisha Arora, Advocate  
for the complainant.

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**H.S. MADAAN, J. (Oral)**

This petition has been filed for the grant of regular bail to the petitioner – Balwinder Singh, an accused in FIR No.164 dated 10.8.2016, under Section 306 IPC, registered at Police Station City South, Moga.

Briefly stated, the facts of the case as per prosecution story are that FIR was recorded on the basis of statement made by complainant Kamlesh Rani, wherein she stated that she along with family had been putting up in a rented house belonging to accused Balwinder Singh since the year 2000; that Balwinder Singh has been residing in Hongkong but for the last three months, he along with his wife had been putting up in the house in dispute; that on 24.7.2016, engagement ceremony of her daughter Nishu was fixed; that on that day, Balwinder Singh started quarrelling with them and for that reason, they had submitted an

application at Police Station City, Moga, however, the matter was compromised; that thereafter three unidentified persons started threatening them to vacate the house; that Balwinder Singh and his wife Harjit Kaur had been pressurizing them for vacating the house in question and they had been telling them they would do so after marriage of their daughter but to no effect upon Balwinder Singh and his wife, therefore for the reason of harassment caused to them by accused, Surinder Kumar, husband of the complainant committed suicide by consuming some poisonous substance and that accused had abetted such suicide by Surinder Kumar. After registration of the FIR, the police tried to arrest accused Balwinder Singh and his wife Harjit Kaur but unable to do so, as such, Balwinder Singh and Harjit Kaur were declared proclaimed offenders. On 11.8.2017, petitioner was arrested by the police and after completion of investigation, challan against him has been filed in the Court of Chief Judicial Magistrate, Moga on 14.9.2017. Thereafter, the case was committed to the Court of learned Additional Sessions Judge, Moga on 12.10.2017, charge framed against the accused and case was fixed for 27.11.2017 for prosecution evidence. The status report in that regard had been submitted by way of affidavit of SHO Police Station City South Moga. The petitioner had moved an application for regular bail in Court of Sessions at Moga but was unsuccessful and the same was dismissed vide order dated 25.9.2017 passed by learned Additional Sessions Judge, Moga. Hence the present petition.

Notice of the petition was given to the State and State counsel has put in appearance and submitted status report in the form of affidavit

by SHO Police Station City South Moga.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has submitted that petitioner is an old man of 74 years, who has been residing in Hongkong; that he had just requested the deceased to vacate the house, which was on rent with him and as is evident from the contents of the FIR, the dispute had been settled and deceased had agreed to vacate the house after marriage of his daughter. It being so, there was no occasion for the petitioner and his wife to harass the deceased and his family members and that a wrong FIR has been got registered against him.

Whereas, learned State counsel has submitted that in the suicide note left by the deceased, there are clear and specific allegations that the petitioner had been harassing him and he was ending his life fed up with that harassment. The petitioner accused could not be arrested earlier and had been declared as proclaimed offender. Therefore, he is not entitled to grant regular bail.

After hearing rival contentions, I find that only during the trial, it could be established as to whether the petitioner is guilty of abetment to suicide by Surinder Kumar and at this stage no clear and specific inference in that regard can be reached. The petitioner is stated to be aged about 74 years not keeping good health. The trial is at initial stage and its conclusion is likely to take some time. Further, detention of accused is not going to serve any useful purpose. As such the petition deserves to be allowed.

Accordingly, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Moga, subject to the following conditions:

- (i) He shall appear in the Court on each and every date of hearing.
- (ii) He shall not give any threat or intimidation to the prosecution witnesses.
- (iii) He shall not leave India without prior permission of the Court.

However, to address the apprehensions expressed by learned State counsel that petitioner may not abscond or tamper with the prosecution evidence, it is directed that the trial Court/Chief Judicial Magistrate, Moga would make the petitioner surrender his passport, if it has not got done by the investigating agency earlier. Further the petitioner be asked to furnish sound sureties having immovable properties.

In addition to that the trial Court may impose any term and condition found suitable.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

20.11.2017  
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**(H.S. MADAAN)**  
**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No