

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

CRM-M-3931-2017 (O&M)

Date of decision:13.02.2017

Rajinder Singh @ Raj

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present: Mr. H.S. Brar, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

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

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.60, dated 20.12.2015, under Sections 306/34 IPC, registered at Police Station Sehna, District Barnala.

Counsel for the parties have been heard at length.

FIR came to be registered on the complaint of Balbir Kaur in relation to suicide having been committed by her son, namely, Gurbans Singh @ Gora on 19.12.2015.

Allegations are that the deceased had entered into an agreement to sell in respect of 21 biswas of land with co-accused Mohinder Singh through the present petitioner who was an Ex Sarpanch of the village. The sale deed was stated to have been executed in favour of the wife of Mohinder Singh on 20.06.2014. Accusation is that at the time of registration of the sale deed, deceased Gurbans Singh was called upon to admit as regards receiving of the entire sale consideration before the Tehsildar whereas the sale consideration had infact not been paid. Further allegations are that to compensate the deceased, co-accused Mohinder Singh

and Dogar Singh along with the present petitioner agreed to sell 9 biswas of land and an agreement to sell dated 07.08.2014 was also entered into but even such offer did not fructify.

Petitioner was arrested on 30.01.2016.

Apart from the allegations levelled by the complainant, two suicide notes are stated to have been left behind by the deceased and in which the name of the present petitioner along with co-accused Mohinder Singh and Dogar Singh have been mentioned and they are held responsible for the extreme step having been taken by the deceased.

Investigation in the case is already complete, challan stands presented and even the charges have been framed. The examination in chief of the complainant i.e. mother of the deceased has already concluded.

Co-accused, Dogar singh has been granted benefit of bail in the light of order dated 31.01.2017 passed by this Court in CRM-M-36244-2016.

The offence under Section 306 IPC whether made out against the present petitioner would be a moot question to be considered during the course of trial.

In view of the discussion hereinabove and in the light of the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Barnala.

Disposed of.

13.02.2017

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

i) Whether speaking/reasoned? Yes

ii) Whether reportable? No