

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

CRM-M-40795 of 2016 (O&M)

Date of decision:12.01.2017

Kumar Singh Thakur

... Petitioner

Vs.

State of Punjab

... Respondent

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

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. APS Rehan, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 439 Cr.P.C. seeking benefit of regular bail pending trial to the petitioner in case FIR No.66 dated 24.10.2014, under Sections 306/34 IPC, registered at Police Station Taragarh, District Pathankot.

Counsel for the parties have been heard.

FIR in question came to be registered on 24.10.2014 on the statement of Manmohan Singh. Deceased is Sangram Singh @ Rinku i.e. son of the complainant who is stated to have committed suicide by hanging on 24.10.2014.

As per prosecution version, Sangram Singh @ Rinku had left behind a suicide note and in which name of the present petitioner along with co-accused Satpal Saini as also one Avtar Thakur had been mentioned. It is also the version of the complainant that theft had taken place in the house of Satpal Saini, co-accused and the deceased Sangram Singh @ Rinku was being shown as suspect in such theft case. Further allegations are

that on account of such circumstances, the entire village was looking down upon the deceased.

Court has been informed that all the three accused including the present petitioner having evaded the process of law were declared proclaimed offender in the year 2014 itself. The petitioner was arrested on 27.09.2016 and is in custody ever since.

The complaint lodged by father of the deceased as also from the contents of the suicide note, the issue as to whether the offence of abetment to suicide is made out against the present petitioner would be a moot question to be considered by the trial Court.

Even though, the present petition has been opposed vehemently by the learned State counsel as also counsel appearing for the complainant by stating that the petitioner had been declared proclaimed offender and had evaded the process of law but the fact remains that he was arrested and faced incarceration since 27.09.2016.

It has also gone uncontroverted that co-accused Avtar Thakur and who was identically placed has been granted the benefit of bail by the competent Court.

Without making any observations on merit, prayer made in the present petition is accepted. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Pathankot.

Disposed of.

12.01.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|-----|
| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |