

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5580 of 2017 (O&M)

Date of Decision: 27.02.2017

Mohinder Ram

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Ms. Armaan Saggar, Advocate for the petitioner.

Mr. P.S. Grewal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

Petitioner seeks benefit of regular bail pending trial in case FIR No.60, dated 20.12.2015, under Sections 306 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 present petitioner through Rajinder @ Raj, who was an Ex Sarpanch of the village. The sale deed was stated to have been executed in favour of the wife of petitioner 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, petitioner and Dogar Singh along with Rajinder 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 19.01.2016.

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 Rajinder 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 and Rajinder Singh have been granted benefit of bail by this Court.

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 herein above 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.

(TEJINDER SINGH DHINDSA)
JUDGE

27.02.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No