

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

**Crl. Misc. No.M-21981 of 2018 (O&M)
Date of Decision: May 28, 2018**

Gurbax Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Aman Bansal, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 56 dated 21.04.2018 registered for the offence punishable under Section 306 read with Section 149 of Indian Penal Code, at Police Station Sadar Dhuri, District Sangrur.

Heard.

Notice of motion.

On asking of the court, Mr. Amandeep S. Gill, Senior D.A.G. Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him. Mr. Harsh Goyal, Advocate, who is present in the Court, has put in appearance on behalf of complainant and filed power of attorney.

As per case of the prosecution, Bahadur Singh and family of Amarjit Singh were having dispute regarding 9 biswas of land with Gurbax Singh (petitioner) their paternal uncle. Bahadur Singh was residing in that premises for the last 30/32 years. Civil litigation regarding that property was decided in favour of Gurbax Singh and appeal against that judgment and decree of civil Court was pending. Roof of veranda of the house got damaged and required to be repaired. Gurbax Singh (petitioner) suspected that Bahadur Singh was going to raise new construction and he along with his family members started threatening Kulwinder Singh son of Bahadur Singh on this score, who disclosed this fact to complainant Saudagar Singh. Again on 20.04.2018 at about 06.00 p.m., Gurbax Singh along with his sons, wife Pritam Kaur and Bindri son of Manjit Singh threatened Kulwinder Singh, who committed suicide by hanging himself with girder in the veranda. The matter was reported to the police by Saudagar Singh.

The deceased had not left behind any suicide note. Admittedly, there was dispute of property between father of deceased and petitioner. Civil Court has decided that issue in favour of petitioner. Manjeet Singh and Didar Singh co-accused have been allowed interim anticipatory bail vide order dated 21.05.2018 passed in CRM-M-21809-2018. Petitioner was arrested in this case on 27.04.2018 and is in custody since then. Completion of investigation, presentation of challan and then conclusion of trial will take considerably long time.

In view of the above facts but without expressing any opinion on merits of the case, the present petition is allowed. Petitioner Gurbax Singh is ordered to be released on regular bail on furnishing bail bond and

surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

May 28, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***