

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

**CRM-M-27506-2018 (O&M)
Date of decision:10.09.2018**

Tarsem Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Surinder Kumar Daaria, Advocate
for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

CRM-31538-2018

For the reasons mentioned in the application, the same is allowed and the documents i.e. Ration Card and Senior Citizen Card are taken on record as Annexures P-5 and P-6 respectively subject to all just exceptions.

CRM-M-27506-2018

The petitioner seeks grant of regular bail in case registered vide FIR No.77 dated 03.07.2015 under Section 306 of Indian Penal

Code, 1860, Police Station Dhariwal, District Gurdaspur.

The FIR was registered at the instance of Rajwant Kaur wife of Late Gurbinder Singh. The complainant alleged that her father-in-law Jasbir Singh had contracted two marriages, the first one with Sukhbir Kaur and second with Narinder Kaur and was presently residing with his second wife Narinder Kaur separately, but he did not have any issue from the second marriage. The complainant alleged that her husband Gurbinder Singh had complained against one Gaurav Saini pertaining to the dispute of 10 tyres truck. However, Gaurav Saini was having relations with his father-in-law Jasbir Singh and thus his father-in-law Jasbir Singh, step-mother Narinder Kaur, Gaurav Saini, Kulwant Kaur, Tarsem Singh and his son Malkit Singh conspired with each-other and harassed her husband for about three days and ultimately her father-in-law told her husband Gurbinder Singh to vacate the house due to which her husband felt insulted and ultimately committed suicide by shooting himself.

Notice of this petition was issued to the respondent-State. Learned State counsel has opposed the petition and prayed for dismissal of the same.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact he did not know about the case since he was not even residing in village Duluana and has been residing in Gurdaspur since last ten years. The learned counsel in order to hammer-forth his aforesaid submission has drawn the

attention of this Court to the Ration Card (Annexure P-5) and Senior Citizen's Card (Annexure P-6) which have been taken on record today. Learned counsel has further submitted that two of the accused namely Narinder Kaur and Malkit Singh have since been declared innocent and the main accused Jasbir Singh, Gaurav Saini and Kulwant Kaur have already enlarged on bail and in these circumstances the petitioner also deserves the concession of bail on the ground of parity.

On the other hand, learned State counsel has submitted that apart from the petitioner being named in the FIR, his name also figures in the suicide note and that the petitioner had in fact been evading his arrest and had also been declared proclaimed offender and under these circumstances the petitioner does not deserve the concession of bail.

Having heard the rival contentions of the learned counsel for the parties and I find that as regards the petitioner being declared a proclaimed offender, the documents furnished today somehow tend to suggest that he was not residing in village Duluana i.e. at the address mentioned in the FIR and was residing in Gurdaspur. In any case, bearing in mind the fact that the petitioner is aged about 70 years and that the co-accused namely Gaurav Saini, Kulwant Kaur and Jasbir Singh have already been granted bail and challan has already been presented and the petitioner has been behind bars since last about four months, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Tarsem Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to

the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

This petition stands accepted accordingly.

10.09.2018
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**