

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31513-2017(O&M)
Date of Decision: 01.03.2018

Simranjeet Singh @ Simarjit Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. K.S. Hissowal, Advocate for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.55 dated 1.11.2016 under sections 306, 120-B I.P.C, registered at Police Station, Satnampura, Phagwara, District Kapurthala.

FIR came to be registered on the complaint of Nirmal Singh. Deceased is complainant's son namely Gurjinder Singh, who is alleged to have committed suicide.

Present petitioner in terms of relationship is stated to be the co-brother (Sandu) of the deceased.

Petitioner has been arrayed as accused on the basis of an alleged suicide note left behind by the deceased and placed on record at Annexure P-3.

It is the contention of counsel for the petitioner that even if the authenticity of the suicide note is established and the contents thereof are taken as gospel truth, still, ingredients for offence under section 306 I.P.C

would not be made out. Counsel further argues that even in the complainant's version set out in the FIR, no direct act/overt action has been attributed to the present petitioner so as to constitute the offence of abetment to suicide.

On 28.8.2017, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner states that apart from the fact that the alleged suicide note is undated, even the complainant, who is father of deceased Gurjinder Singh, had already disowned the deceased from his moveable and immovable property on 26.04.2016. The petitioner is a co-brother-in-law of the deceased.

Notice of motion for 03.11.2017.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jaswinder Singh informs the Court that the petitioner has since joined investigation.

In view of the above and without expressing any opinion on the merits of the case, prayer made in the petition is accepted. The order dated 28.8.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.03.2018

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No