

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Ctrl. Misc. No. M-3574 of 2018
Date of Decision: March 06, 2018

Makhan Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Jupinder Pal Singh Brar, Advocate
for the petitioner

Mr. Amandeep S. Gill, Sr. DAG Punjab

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No. 162 dated 29.07.2017, registered under Section 306 IPC at Police Station Canal Colony, Bathinda, District Bathinda.

As per the case of the prosecution, the petitioner and two others got the deceased falsely implicated in a case under Section 307 IPC in which he was convicted. They did not provide assistance to him in jail as well and because of this he became dejected and while on parole he committed suicide in the house of his paramour. He allegedly left behind a suicide note in which the petitioner and two others were named. A similar statement was recorded by him on his mobile phone which has been recovered from the spot.

Learned counsel for the petitioner contends that a bare perusal of the suicide note shows that primarily allegations have been levelled against the other two and not against the petitioner. Further, the suicide note has not been sent for forensic examination till date and no authenticity can be placed upon it. The investigation in this case is complete and the challan stands presented and, therefore, no useful purpose would be served by keeping the petitioner in custody.

On the other hand, learned State counsel submits that the petitioner has been named in the suicide note as well as in the video recording on the mobile phone and, therefore, he is not entitled to the concession of regular bail.

At this stage, I would not deem it appropriate to comment on the merits of the case as it may effect the out-come of the trial. Suffice it to say, since the investigation is complete and the trial is in progress. There is no likelihood of the petitioner interfering in the investigation. In any case, the petitioner is in custody in the other case under Section 307 IPC and, thus, the possibility of trying to influence the outcome of the trial can be completely ruled out. The trial is likely to take some time to conclude as examination of witnesses has not yet been started. Thus, it would be just and appropriate to release the petitioner on bail.

In view of the above, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court concerned. However, this order shall be subject to custody in any other criminal case.

March 06, 2018

reena

[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No