

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

CRM-M-45212-2018
Date of decision: 22.10.2018

Jammu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rajesh Kapila, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 202 dated 14.09.2017, under Section 306 IPC (Section 201 IPC added later on), registered at Police Station City Faridkot, District Faridkot.

Learned counsel for the petitioner submits that vide order dated 09.07.2018 passed in **CRM-M-25210-2018**, while granting regular bail to co-accused Dharminder Singh @ Lucky, the following order was passed:

“Learned counsel for the petitioner submits that vide order dated 19.06.2018 passed in CRM-M-25917-2018, the following order was passed:

“The prayer in the petition is for grant of regular bail to the petitioner, who is in custody from 18.09.2017 in respect of FIR bearing No.202 dated 14.09.2017 registered under Section 306 IPC (Section 201 IPC added later on) lodged at Police Station City Faridkot (P-1) for having abetted commission of offence resulting into the suicide committed by deceased Parkash Singh alias Vasu son of the complainant.

Learned counsel appearing on behalf of the petitioner submitted that as per allegations

made in the FIR the deceased Parkash Singh had made a deal of Rs. 2 lacs along with co-accused Jammu S/o Pal Singh and Dharminder Singh alias Lucky S/o Lakhwinder Singh for doubling the amount within a period of two days. But there are no averments and allegations are made out under Section 420 IPC. Even no case is made out for under Section 306 IPC as apparently, provisions of Section 107 IPC are conspicuously wanting.

Mr. Nikhil Kumar Chopra, Addl. A.G., Punjab on instructions from ASI Sukhdev Singh submitted that an amount of Rs. 2 lacs has been transferred to the account of deceased on 20.05.2017 which is stated to have been withdrawn. He further submits that challan has already been presented and the charges have been framed in the aforementioned case.

I have heard learned counsel for the parties, appraised the paper book. It is yet to be proved that the case under Section 107 of the Indian Penal Code are made out or not as no allegation under Section 420 of the Indian Penal Code has been made.

Without commenting upon merits and demerits of the case as it would be subject matter of trial and keeping in view the aforementioned facts and circumstances, I deem it appropriate to grant concession of regular bail to the petitioner. Resultantly, the Criminal petition is allowed and the petitioner is ordered to be released on bail subject to furnishing of bail bonds to the satisfaction of the Trial Court/Illaq Magistrate, Faridkot.”

Learned counsel for the petitioner further submits that even as per the allegations in the FIR, the occurrence is dated 25.05.2017 whereas the FIR was registered after four months on 14.09.2017 and initially a missing report/DDR was got registered by the complainant which finds mention that the suicide note was recovered on 26.05.2017.

Learned counsel further submits that the petitioner is in judicial custody since 19.09.2017 and out of total 23 prosecution witnesses, only 03 witnesses have been examined so far and the trial is going on at very low pace.”

Learned counsel for the petitioner further submits that petitioner is in judicial custody since 03.10.2017 and he is not involved in any other case. It is further submitted that conclusion of the trial is likely to take some time as out of total 23 prosecution witnesses, only 09 have been examined so far.

Learned State counsel, on the basis of the custody certificate and on instructions from ASI Gurnam Singh, has not disputed the factual position.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the facts that petitioner is in judicial custody since 03.10.2017; he is not involved in any other case; two of the co-accused of the petitioner have already been granted concession of regular bail and also in view of the fact that trial is likely to take some time, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

October 22, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No