

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

CRM-M No.48189 of 2017
Date of Decision: 09.05.2018

Baljinder SinghPetitioner

Versus

State of PunjabRespondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jagmeet Singh Moudgill, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

DAYA CHAUDHARY, J. (ORAL)

Petitioner-Baljinder Singh has filed the present petition under Section 439 Cr.P.C for grant of regular bail in case FIR No.133 dated 24.09.2017 registered under Section 306 IPC at Police Station Moonak, District Sangrur.

Notice of motion in the case was issued on 22.12.2017. Thereafter, the case was adjourned on various dates and ultimately, on 18.04.2018, a query was put to learned State counsel about the suicide note, which was stated to be recovered. He submitted on that day that the suicide note has been sent to FSL and the report has not been received so far. Thereafter, the case was adjourned for today. Even till date, the FSL report has not been received.

Learned counsel for the petitioner submits that co-accused Jaswinder Kaur has been granted bail on 14.12.2017 and the case of the

petitioner is on the same footings as of co-accused Jaswinder Kaur. Learned counsel also submits that the petitioner is in custody since 05.10.2017 and nothing is to be recovered from him and no purpose would be served by keeping him in custody. He further submits that the challan has been presented and the charge has also been framed. The trial may take long time to conclude.

Learned State counsel has not disputed the factum of stage of trial and also the fact that co-accused Jaswinder Kaur has been released on bail. It has also been admitted by learned State counsel that the FSL report has not been received so far but he has opposed the submission made by learned counsel for the petitioner on the ground that the petitioner has specifically been named in the suicide note.

Heard the arguments of learned counsel for the petitioner and have also perused the contents of the FIR.

While granting bail to co-accused Jaswinder Kaur on **14.12.2017** in **CRM-M-39868 of 2017**, the following observations were made :-

“ Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that the present petitioner is not required for custodial interrogation and no specific attribution is there regarding abetment to commit suicide, therefore, no useful purpose will be served by sending the petitioner in custody. Finding merit in this petition, the same is allowed. The order dated 09.11.2017, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the

investigation as and when called upon to do so and shall abide by the conditions of Section 438(2) Cr.P.C.”

Admittedly, the contents of suicide note can be verified after getting the FSL report but the same has not been received so far. It is to be seen from the FSL report as to whether the alleged suicide note has been written by the deceased or not.

In the present case, the petitioner is not required for custodial interrogation as the challan has been presented and the case is fixed for evidence. The trial may take some time to conclude. Moreover, no specific attribution regarding abetment to commit suicide is there. The co-accused of the petitioner has also been released on bail and the case of the present petitioner cannot be said to be on different footings from co-accused Jaswinder Kaur.

Accordingly, the present petition is allowed and petitioner-Baljinder Singh is directed to be released on regular bail to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

09.05.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No