

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

CRM-M No.7742 of 2018

Date of Decision: 17.05.2018

Jagsir Singh alias Jaggi

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

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

DAYA CHAUDHARY, J.

Petitioner-Jagsir Singh alias Jaggi 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.

Learned counsel for the petitioner submits that as per contents of the FIR, there is no allegation from which an inference can be raised that the petitioner has abetted the commission of offence in any manner. Only on the basis of vague allegations, the petitioner has been implicated. He also submits that there are no ingredients of Section 306 IPC. Learned counsel further submits that as per allegations levelled in the FIR, the persons named in the alleged suicide note were threatening the deceased to implicate him in some false rape case but there is nothing on record to show that the suicide note was written by the deceased himself as no report with regard to authenticity of the alleged suicide note has been

received. At the end, learned counsel for the petitioner submits that the petitioner is in custody since long and his co-accused Jaswinder Kaur has been allowed anticipatory bail, whereas, co-accused Baljinder Singh and Gurjeet Kaur have been allowed regular bail. The challan has been presented and thereafter, 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 anticipatory bail, whereas, Baljinder Singh and Gurjeet Kaur have been released on regular bail. It has also not been disputed that FSL report has not been received so far.

Heard the arguments of learned counsel for the petitioner and have also perused the contents of the FIR as well as other documents available on the file.

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

In the present case, no evidence has been collected to connect the petitioner with the abetment of suicide. Co-accused Jaswinder Kaur, who is stated to be in relation with another accused Baljinder Singh, has been allowed anticipatory bail by this Court on 14.12.2017. The petitioner is in custody since long and is not involved in any other case. The trial may take long time to conclude as only the challan has been presented.

Accordingly, the present petition is allowed and petitioner-Jagsir Singh @ Jaggi is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

(DAYA CHAUDHARY)
JUDGE

17.05.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No