

CRM-M-23346-2019

Date of Decision : 24.05.2019

Parminder Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. C.S. Rana, Advocate
for the petitioner.Mr. Saurav Khurana, DAG, Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.39 dated 11.04.2019 filed under Section 306 of the Indian Penal Code registered at Police Station Bassi Pathana, District, Fatehgarh Sahib.

The allegations have been levelled by Sukhwinder Singh, father of deceased, Sandeep Singh. As per the allegations, the son of the complainant, namely, deceased-Sandeep Singh, aged around 17 years, at the time of occurrence, had committed suicide by hanging himself to a fan and

from his dead body, a suicide note was recovered wherein, it was illustrated that the deceased, on account of his relations with a girl, daughter of the petitioner and the petitioner having spanked the girl on account of this relationship and the deceased being upset over the same, was going to commit suicide for which, nobody should be held guilty, it was based on the same, the present case had come about, in which the petitioner was arrested on 11.04.2019.

Learned counsel for the petitioner *inter alia* contends that the bare perusal of the suicide note, which is the only evidence in this case, does not attributes any role to the petitioner in the commission of offence and that the investigation is not likely to be concluded in the near future.

On behalf of the State, the learned State counsel, on instructions from ASI Baljinder Singh, Police Station Bassi Pathana, District Fatehgarh, accepts the facts that have been detailed before this Court by learned counsel for the petitioner but has opposed the grant of bail, on the ground that the investigation is underway and there is every likelihood that the petitioner, if allowed bail, might stifle the trial.

Going through the submissions, the own stand of the complainant and the fact that has been conceded too, at the bar, by the learned State counsel that it is on the basis of the suicide note, the petitioner has been arrested, thus, a debatable issue arises over the applicability of Section 306 of the Indian Penal Code which can only be adjudicated at the time of the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is

ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

24.05.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No