

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

CRM-M-25633-2019
Date of decision:3.6.2019

SUKHWINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. H.S. Grewal, Addl. A.G., Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.10 dated 4.2.2019 under Sections 306, 506/34 of the Indian Penal Code, Police Station GRP Sirhind, District Government Railway Police.
2. The FIR was registered at the instance of Kulwinder Singh wherein it has been alleged that on on 13.1.2019 when he along with other members of family was celebrating Lohri outside their house then Avtar Singh, Harchand, Jodh Pal Singh, Sukhwinder Singh, Tinku, Monu, Om Parkash, Gindi, Sewa Singh, Dharminder Singh @ Kala and Preet came there carrying bricks and stones in their hands and had attacked them. Sukhwinder Singh is alleged to be carrying an iron “*Khurchna*” (Spatula) and hit the same on the complainant’s

head, but the complainant managed to save himself. It is alleged that accused threw bricks and stones which hit the head of the complainant. The stone which had hit complainant had been thrown by Dharminder. Sukhwinder Singh is alleged to have thrown stones hitting complainant's son Lakhvir Singh on his private parts and on his left arm. Harchand Singh is alleged to have slapped the complainant on his face. It is alleged that although the complainant reported the matter to the police but no action was taken thereupon. The complainant has further alleged that thereafter on 3.2.2019 his son Lakhvir Singh called complainant's son-in-law Balvir Singh on his mobile phone telling him that Gindi and other had threatened him while stating that despite the accused having beaten the complainant and others, nothing had been done to the accused and challenged him that complainant party may do anything but they (accused) will get away with it. It is alleged that later his son Lakhvir Singh went out of his house without informing them and subsequently his dead body was found lying at the train track. It is alleged that Lakhvir Singh had committed suicide because of beatings given to him and threats of accused.

3. Learned counsel has submitted that he has falsely been implicated in the present case and that in any case the alleged beatings had taken place on 13.1.2019 whereas the suicide is alleged to have been committed by Lakhvir Singh on 3.2.2019 i.e. after more than 20 days. In any case Sukhwinder Singh is not stated to have threatened Lakhvir Singh on 3.2.2019 and in these circumstances,

he cannot be said to have played any role in abetment of suicide of Lakhvir Singh.

4. Opposing the petition, learned State counsel has stated that since the name of the petitioner specifically figures in the FIR and is specifically alleged to have given beatings to the complainant on 13.1.2019, no case for grant of anticipatory bail is made out.
5. Having considered rival contentions addressed before this Court and upon finding that it would be debatable as to whether the petitioner had abetted the commission of suicide especially since he is not stated to have threatened the deceased on 3.2.2019, in my opinion, it is not a case where custodial interrogation is warranted. The petition as such, is accepted. In the event of arrest of the petitioner, he shall be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

3.6.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**