

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

**Crl. Misc. No.M-46915 of 2019 (O&M)
Date of Decision: November 08, 2019**

Chitwant Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Harsh Chopra, Advocate
for the petitioner (s).

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 120 dated 19.08.2019 registered for the offence punishable under Section 306 of Indian Penal Code, at Police Station Badhni Kalan, District Moga.

Heard.

Notice of motion.

On asking of the court, Mr. Rakeshinder Singh Sidhu, A.A.G, Punjab., who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

Heard.

Hardeep Singh son of complainant committed suicide on the intervening night of 18/19.08.2019. FIR was got registered by his father

Kulwant Singh levelling allegation against father-in-law of deceased, Sukhwinder Singh, and his brother-in-law Ajmer Singh. He gave reasons for committing suicide by his son as matrimonial dispute between the deceased and his wife, who was taken away to her village and Sukhwinder Singh and Ajmer Singh were annoyed with deceased

learned State counsel on instructions from ASI Sewak Singh submits that the police found suicide note in which deceased had held Sukhwinder Singh, Ajmer Singh and petitioner as liable for his death.

Learned counsel for the petitioner submits that the petitioner had left for Canada on 16.06.2019 and returned India on 29.09.2019 and this fact can be verified from his passport. The petitioner was not even aware of death of Hardeep Singh and was arrested from the airport. His co-accused Ajmer Singh and Sukhwinder Singh have been allowed interim anticipatory bail passed in CRM No. M-39413 of 2019 and 40493 of 2019.

Learned State counsel submits that to verify the genuineness of suicide note, it has been sent to handwriting expert for report. He could not rebut the submissions of learned counsel for the petitioner that the petitioner was out of country from 16.06.2019 to 29.09.2019 as per entry in the passport produced today.

Keeping in view the fact that there was some matrimonial dispute between the deceased and his wife and the matter is under investigation, report of handwriting expert is still awaited, the present petition is allowed. Petitioner-Chitwant Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following

terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

November 08, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***