

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

CRM-M No.1031 of 2020 (O&M)

Decided on: 20.01.2020

Gurpreet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Randeep Singh, Advocate
for the petitioner.

Mr. A.P.S. Gill, DAG, Punjab.

Mr. G.S. Jossan, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioners under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.0080 dated 10.09.2019, for offence punishable under Sections 306/34 of the Indian Penal Code, 1860 (in short 'IPC'), registered at Police Station Ghagga, District Patiala.

Counsel for the petitioner has relied upon the order dated 12.12.2019 passed by this Court in CRM-M No.43745 of 2019 granting interim anticipatory bail to the co-accused of the petitioner namely Ramdita Singh, which reads as under:-

“Learned counsel for the petitioner submits that as per the allegations in the FIR, registered on the statement of complainant Teja Singh, it is stated that wife of the petitioner was having some relation with deceased Sinda Singh @ Ganji and on that account, on 01.09.2019, the

petitioner along with his brother Gurpreet Singh and father Arjan Singh gave beatings to him.

Learned counsel for the petitioner further submits that it is the further allegations in the FIR that later on, Sinda Singh @ Ganji committed suicide by jumping into the water of Bakhra Dam.

Learned counsel for the petitioner further submits that the complainant never approached the police on 01.09.2019 and till the date when the dead body was recovered on 10.09.2019, no complaint was lodged with the police.

Learned counsel for the petitioner further submits that with regard to alleged injuries attributed to petitioner and two aforesaid co-accused in the incident occurred on 01.09.2019, no MLR was conducted of the injured and even no suicide note was recovered after the death of Sinda Singh @ Ganji.

It is further submitted that there is a gap of ten days from the date when the deceased was allegedly beaten on 01.09.2019 till the date when he committed suicide i.e. 10.09.2019, therefore, it will be a debatable issue whether the petitioner acted in a manner which abetted the deceased to commit suicide.

Learned counsel for the complainant has opposed the prayer of the petitioner, however, he could not dispute the fact that in between 01.09.2019 and 10.09.2019, no complaint was lodged with the police and no MLR was conducted.

Adjourned to 12.12.2019.”

Counsel for the petitioner has further submitted that the said order dated 14.11.2019 was later on, confirmed on 12.12.2019. It is further argued that the petitioner is in custody since 12.09.2019; challan stands presented.

Counsel for the State, on instructions from ASI Lalli Ram, assisted by counsel for the State, has not disputed the factual position but opposed the prayer for bail. It is further submitted that the missing complaint was given on 02.09.2019 by the cousin of the deceased. It is also submitted that no MLR with regard to the incident which occurred on 01.09.2019 was placed on record as in fact, no MLR was conducted. It is further argued that no suicide note was recovered.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 12.09.2019; the co-accused of the petitioner has already been granted the concession of interim anticipatory bail and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

20.01.2020
yakub

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No