

CRM-M-3156-2020 (O&M)

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

Decided on: March 04, 2020.

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Jagandeep @ Jatin

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Vishal Thakur, Advocate,
for the petitioner.**

Mr.Ajay Pal Singh Gill, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure, seeking regular bail in FIR No.223 dated 4.8.2019, under Section 306/34 IPC as well as under Section 25 of the Arms Act, registered at Police Station, Model Town, District Hoshiarpur.

Learned counsel for the petitioner, at the outset, has

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stated that in the title of the petition, Section 25 of the Arms Act, has been wrongly mentioned because it is only a typographical mistake and as such, the same be ignored.

Learned State counsel has also checked up regarding the same and he submits that Section 25 of the Arms Act is not part of the FIR in the present case.

Thus, it is observed that Section 25 of the Arms Act, be ignored from the title of the petition.

Learned counsel for the petitioner has argued that offence alleged against the petitioner is only under Section 306/34 IPC and he has further pointed out from the FIR that the petitioner is son of the deceased namely Gurnam Singh and that it was out on account of a quarrel that the father of the petitioner had committed suicide by consuming poisonous substance. He has further argued that there is no allegation or even assertion with regard to any incitement or threat for committing suicide and therefore, the ingredients contained in Section 107 IPC, are not fulfilled. It is submitted that there is no suicide note in the present case. He, therefore, submits that, as the petitioner is in custody w.e.f. 4.8.2019 and the investigation is complete, the petitioner be granted the concession of regular bail.

On the other hand, learned State counsel has stated that it is correct that in the present case there is no suicide note but the matter being serious in nature as father of the petitioner has committed suicide, present petition for regular bail deserves dismissal.

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I have heard the learned counsel for the petitioner as well as learned State counsel and have gone through the paper book.

At the time of deciding the bail petitions, the Court has to see prima facie the contents of the FIR and consider the arguments raised by the learned counsel for the parties based upon available record. A bare perusal of the FIR shows that a quarrel has taken place between father and son and petitioner is the son of the deceased. There is nothing discernible from the FIR that there was any element of incitement or threat. Apart from this, the petitioner is admittedly in custody since 4.8.2019 and the investigation is complete and challan also stands presented. It is not the case of the State that in case the petitioner is released on bail, then he may tamper with the record or influence the witnesses.

Considering the totality of the circumstances, the present petition is allowed. It is ordered that the petitioner shall be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

March 04, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No