

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

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**CRM-M-12532-2020
Date of decision : 27.05.2020**

Gurdeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Naresh Kumar, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab
for the respondent-State assisted by
ASI Shyam Singh.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video-conferencing.

The petitioner has filed present (1st) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.221 dated 27.11.2019 registered under Sections 306 read with Section 34 of the Indian Penal Code, 1860 at Police Station Bhogpur, District Jalandhar.

The above-said FIR was registered on statement of Sonia w/o deceased-Joginderpal. As per her statement, her husband Joginderpal committed suicide due to harassment caused by accused-Gurdeep Singh (petitioner) and Neelam w/o Ramesh. Her husband had contracted to send the son of accused-Neelam abroad but there was delay in sending him abroad. On 25.11.2019 her husband received a phone call from the village of accused-Neelam that if he will not given an amount of Rs.6,00,000/-, she will insult him in the village. The son of accused-Gurdeep Singh had gone abroad since 2014. Accused-Gurdeep Singh and her husband were litigating before the Court and accused-Gurdeep Singh was harassing him. Due to harassment, her husband committed suicide by swallowing salphas tablets. During

investigation, suicide note left by the deceased was found. In the suicide note the deceased asserted harassment by Gurdeep Singh, Taranjit Singh, Kudeep Kaur and Neelam Kaur to be the cause of his death. The police investigated the case and on completion of investigation filed charge-sheet against them.

The petitioner being in custody since 27.11.2019 has filed the present petition for grant of regular bail.

Copy of the petition has already been supplied to learned State Counsel who has opposed the petition.

I have heard learned Counsel for the petitioner and learned State Counsel and gone through the relevant record.

Learned Counsel for the petitioner has argued that the deceased had received amount of Rs.6,30,000/- to send his son to USA but instead sent his son to South Africa. When the petitioner demanded return of his money, the deceased entered executed agreement to pay Rs.2,20,000/- but defaulted. The petitioner filed counter claim for recovery of Rs.2,20,000/- to suit for permanent injunction filed by the deceased. There was no instigation or abetment on the part of the petitioner to the deceased to commit suicide and the petitioner has been falsely implicated in the case. Co-accused Kuldeep Kaur has already been granted bail by this Court vide order dated 04.03.2020. The trial is likely to take long time. No useful purpose will be served by detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has argued that the petitioner harassed the deceased who committed suicide and left suicide note holding the petitioner and his co-accused to be responsible for his death. The petitioner having committed heinous offence does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and allegations against the petitioner, parity with co-accused Kuldeep Kaur, who has been granted bail by this Court vide order dated 04.03.2020 and the fact that the trial is likely to take long

time and no useful purpose will be served by detention of the petitioner during trial but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

27.05.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

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