

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

(Heard through VC)

CRM-M-26249 of 2020 (O&M)
Date of Decision: September 22, 2020

Mohinder Pal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dilraj Singh Bhinder, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

Mr. Nikhil Kumar, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.136 dated 16.07.2020, under Section 306 of IPC and Section 3 of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act 1989, registered at Police Station Nakodar Sadar, District Jalandhar Rural.

Learned counsel for the petitioner would argue that the allegations as set out in the FIR are totally false and the events leading to the deceased committing suicide would not attract provisions of Section 306 of Indian Penal Code. It is also argued that the petitioner herein is a

member of the Panchayat, which had convened to sort out the dispute between two persons namely Sarabjit Kaur and the deceased, however, both the ladies started fighting with each other and a Panchayat member tried to stop them, but the deceased slapped and removed the turban of one Karamjit Singh. These proceedings have been duly noted in the proceedings book on 03.07.2020. It is also contended that the deceased committed suicide 15 days thereafter. Apart from above, counsel for the petitioner contends that being belonging to the SC/ST category, provisions of Section 3 of SC and ST (Prevention of Atrocities Act) would not be attracted in the present case. It is also submitted that investigation is complete, as the challan has been presented and conclusion of trial is likely to take sufficient time because the courts are not functioning at their full strength due to Covid-19 pandemic, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from ASI Vijay Kumar, opposes the grant of regular bail to the petitioner, however, she does not dispute the fact that challan has already been presented in the matter.

On the other hand, counsel for the complainant would submit that the deceased is none other than the sister of the complainant, who has committed suicide on account of the fact that she was humiliated at the hands of Panchayat Members as well as Sarabjit Kaur w/o Rakesh Kumar.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 18.07.2020, that challan has already been presented and that

trial is likely to take sufficient time to conclude because of limited functioning of the courts due to Covid-19 pandemic, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

September 22, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No