

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

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**CRM-M-28139-2020
Date of decision: 30.10.2020**

Gur Bahadur and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. IPS Kohli, Advocate
for the petitioners.

Mr. Ramdeep Partap, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

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

Petitioners-**Gur Bahadur, Ganesh, Hari Bahadur and Sham Sundar** have filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.103 dated 16.07.2020 registered under Sections 306 and 120-B of the Indian Penal Code, 1860 at Police Station Division 1, District Police Commissionerate, Jalandhar.

The above said FIR was registered on statement of Raj Kumar brother of deceased Gopal. In his statement Raj Kumar alleged that Gopal was married with accused Lakshmi Devi and one daughter was born out of the wedlock. Gopal was doing work of driving OLA bike-taxi while Lakshmi was working as dancer in Orchestra Party. Gopal objected to the same but Lakshmi did not accede and went to her parental house at Kapurthala. Gopal went to his in-laws house but he

was beaten by Ganesh brother of Lakshmi and other family members. On 13.07.2020, at about 5/6 P.M. accused Lakshmi, her mother Yamuna Devi, father Gur Bahadur, brother Ganesh, Ganesh's wife Kalpna, brother Hari Bahadur, Ganesh's son Sam, Simran Kaur @ Seeta and her younger brother-in-law came to their house and took the belongings of accused Lakshmi by beating and threatening Gopal and his father. On 15.07.2020, Gopal told him that his wife and his in-laws had sent message threatening to beat him and implicate him in criminal cases. His brother Gopal being annoyed and upset committed suicide by hanging from the ceiling fan.

The petitioners, who are in custody since their arrest, have filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit Sukhjinder Singh, PPS, Assistant Commissioner of Police North, Jalandhar.

Custody certificates have also been filed by learned State Counsel through e-mail print outs of which are also taken on record.

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

Learned Counsel for the petitioners has submitted that the petitioners have been falsely implicated in the case. The petitioners did not abet commission of suicide by the deceased and offence under Section 306 of the IPC is not made out. The petitioners have also compromised with the complainant. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioners in custody during trial. Therefore, the petitioners may be

granted regular bail.

On the other hand, learned State counsel has argued that the petitioners are accused of having committed serious offence. In view of the gravity of accusation, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation, involvement of debatable question as to whether alleged acts and conduct of the petitioners constitutes abetment to commit suicide and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioners.

Therefore, the petition is allowed and the petitioners- **Gur Bahadur, Ganesh, Hari Bahadur and Sham Sundar** are ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.10.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

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