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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.47133 of 2019
Date of Decision: 13.02.2020

GURJIT SINGHPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. J.S. Moudgill, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

This is the second attempt of the petitioner to seek regular bail. The first bail petition was dismissed as withdrawn on 02.09.2019 as no prosecution witness was examined at that stage.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.50 dated 13.05.2019, registered under Sections 306 & 34 IPC, (added later on 342, 323 IPC) at Police Station Chhajli, District Sangur.

FIR was registered at the instance of Lali Singh. The allegations are that son of the complainant namely Mani Singh had relations with Arshdeep Kaur daughter of Bant Singh.

Petitioner is son of Bant Singh i.e. brother of Arshdeep Kaur. Mani Singh committed suicide and his dead body was cremated without conducting any postmortem. FIR came to be registered after five days of committing suicide by Mani Singh. Thereafter, in an alleged inquiry made by the complainant party, they came to know that Mani Singh and Arshdeep Kaur had gone to the house of Gurdeep Singh @ Lakhi. They stayed there for some time. Relative of Arshdeep Kaur were searching for her. Thereafter, Arshdeep Kaur went to her house, then petitioner and his cousin Navpreet Singh @ Navi gave beatings to her. On coming to know about the illicit relation, the petitioner and Navpreet Singh @ Navi started searching Mani Singh. Mani Singh met them and they gave beatings to Mani Singh. They also took Mani Singh to the house of Arshdeep Kaur and there also they gave beatings to him and let him to run away. It has been alleged that due to the beatings given by the petitioner and Navpreet Singh @ Navi, Mani Singh felt insulted and committed suicide.

Learned counsel for the petitioner submitted that in order to constitute an offence under Section 306 IPC, there has to be a concerted effort in abetting commission of crime till last moment. Mere abetment is not sufficient to constitute the offence under Section 306 IPC.

Learned State counsel on instructions from ASI Gurwinder Singh submitted that out of 10 prosecution witnesses, 3 witnesses have been examined. Next date fixed before the trial Court is 20.02.2020.

The complicity of the petitioner viz. the offences under Section 306 IPC would be debatable in view of the prosecution story set up by the complainant. There is no suicide note left by the deceased. No postmortem was conducted. The FIR has been delayed by 5 days. All these events would make the prosecution case arguable.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 24.05.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 13, 2020

(RAJ MOHAN SINGH)
JUDGE

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No