

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

**CRM-M-18429-2021 (O&M)**  
**Date of Decision: May 20, 2021**

**SURJEET SINGH @ MEETA AND ANOTHER**

..... Petitioner(s)

**Versus**

**STATE OF PUNJAB**

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Arshdeep Singh Brar, Advocate  
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

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**LISA GILL, J.**

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Petitioners pray for bail pending trial in FIR No.21, dated 04.03.2021 under Sections 306, 120-B IPC, registered at Police Station Badhni Kalan, District Moga.

Learned counsel for the petitioners submits that both the petitioners have been falsely implicated in this matter at the instance of SHO, P.S. Badhni Kalan namely Karamjeet Singh, who is inimical towards the petitioners. Petitioners are stated to be whistle blowers, who on various occasions have highlighted involvement of various police officials in corrupt practices. Details of certain FIRs registered against police officials due to

intervention of the petitioners are mentioned in para 4 and 5 of the petition. Learned counsel also refers to other instances where petitioners have sought to play an active role to stop trafficking of narcotics. A complaint against Karamjeet Singh SHO, P.S. Badhni Kalan, is stated to have been submitted on 28.12.2020 (Annexure P5), besides complaints attached as Annexures P6 and P7. Petitioner no.1, it is stated, also filed CrI. Writ Petition No.1040 of 2021, which is pending after issuance of notice of motion.

In the meantime, one Amit Kumar, allegedly committed suicide on 25.02.2021. Present FIR No.21 dated 04.03.2021 under Sections 306, 120-B IPC (Annexure P1) was registered at P.S. Badhni Kalan, District Moga in this respect, at the instance of father of the deceased raising allegations that wife of the deceased Amit Kumar had gone to her parental home due to a dispute with the deceased. Complainant's son Amit Kumar was in depression and he ultimately hanged himself on the intervening night of 24, 25<sup>th</sup> of February, 2021. It is stated in the FIR that wife of the deceased namely Sonam, along with Karamjit Singh @ Raju, Harpreet Singh sons of Shinda Singh, Paramjit Kaur @ Palo wife of Shinda Singh and Shinda Singh son of Sukhdev Singh were harassing the deceased. Wife of the deceased, it is stated, was misled by the above said persons and all the above said persons including the wife of the deceased were harassing the complainant's son at the instance of the present petitioners.

Learned counsel for the petitioners submits that both the petitioners being public spirited persons in fact helped one Manjit Kaur to file a Habeas Corpus Petition CRWP No. 2197 of 2021 before this Court regarding illegal detention of Shinda Singh and Paramjit Kaur. Warrant

Officer was appointed on 03.03.2021 and the present FIR was registered on 04.03.2021. In this respect co-ordinate Bench of this Court on 09.03.2021 in Cr.W.P. No. 2197 of 2021 directed constitution of a Special Investigation Team, headed by an officer not below the rank of DSP, while observing that there appears to be tainted investigation in FIR No.21 dated 04.03.2021 and a serious doubt was raised as to whether allegations of the complainant make out a prima facie case as to commission of the offence punishable under Section 306 IPC against the persons accused therein or at least against the present petitioners. It is, thus, prayed that this petition be allowed.

Learned counsel for the State has opposed this petition.

I have heard learned counsel for the parties and have gone through the file including order dated 09.03.2021, passed in CrI. Writ Petition No. 2197 of 2021 (Annexure P15).

The sole allegation against petitioners in this FIR is that the deceased was being harassed by four of the accused persons at the instance of the present petitioners. Admittedly, there is no relationship, which has been pointed out between the petitioners and the other persons named in the FIR as accused or the deceased and his family. Learned counsel for the State does not deny registration of various FIRs as mentioned in para 4 and 5 of the petition as well as the complaints which have been submitted by the petitioners against police officials. Though, it is submitted that the challan/final report under Section 173 Cr.P.C. in the present case has been submitted after receipt of report of the SIT, learned counsel for the State is unable to point out any specific allegation against the present petitioners except a bald statement of the complainant that his son (deceased) was

harassed by the other four co-accused at the instance of the petitioners. It is further not denied that SIT was constituted in compliance of order dated 09.03.2021 in CrI. Writ Petition No. 2197 of 2021. A report from the learned District and Sessions Judge, Moga has also been sought in the said petition and the matter is pending adjudication.

There is no allegation that the petitioners are likely to abscond or influence witnesses. In view of the peculiar situation, which has been created due to the outbreak of the pandemic COVID-19 and the fact that the trial in this case is not likely to be concluded in the near future, no useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. Petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/CJM/Duty Magistrate Moga.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

**20.05.2021**

Sunil

**(LISA GILL)**  
**JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No