

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

(Sr. No. 212)

CRM-M No. 18718 of 2021

Date of decision : 21.05.2021

Jasvir Singh @ Kala and others

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Simranjeet Singh Sarwara, Advocate for the petitioners.
Mr. Harpreet Singh Multani, AAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in FIR No. 16 dated 22.02.2021 under Sections
306, 323, 148, 149 IPC registered at Police Station Kheri Gandian, district
Patiala.

Briefly stated the case of the prosecution is that the complainant's brother namely Soni (deceased) was married with Rimpi who allegedly have an affair with Ravi; on 18.02.2021 at about 07:00 p.m., the deceased went to the house of Ravi to make a complaint, where Ravi, his brothers, petitioner No.1 (father of Ravi), petitioner No.2 (mother of Ravi) and petitioner No.3 (uncle of Ravi) beat up the deceased, as a result of which, he felt humiliated and committed suicide by hanging himself.

Learned counsel for the petitioners *inter alia* contends that the

petitioners have been falsely implicated in this case for the reason that the deceased's wife was having an affair with son of petitioners No.1 & 2 and nephew of petitioner No.3; there is no other criminal case in which the petitioners are involved; the petitioners are aged persons who have been in custody for the last three months; report under Section 173 Cr.P.C. has already been filed and therefore the petitioners are not in a position to influence the investigation; the main accused in the case is Ravi who is still in custody; no recovery is to be made from the petitioners; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the allegations against the petitioners do not constitute “abetment” within the meaning of Section 107 IPC and that the petitioners' trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioners on the ground that they had abetted the deceased to commit suicide.

Whether the petitioners No.1 & 2 being parents of Ravi and petitioner No.3 being uncle of Ravi have falsely been implicated in the case on account of the fact that Ravi allegedly had an affair with the deceased's wife would be debated during the petitioners' trial. However, the petitioners have been in custody for the last three months; report under Section 173 Cr.P.C. has already been filed and therefore the petitioners are not in a position to influence the investigation; no recovery is to be made from the petitioners; the alleged injuries by the petitioners are simple in nature; there is no other criminal case in which the petitioners are involved and the petitioners' trial which is yet to begin is likely to take a long time to

conclude especially in the present circumstances when the world is facing the COVID-19 pandemic.

In view of the above, the present case is considered to be a fit one in which the petitioners be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Patiala the petitioners are directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

21.05.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No