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

(Through video-conferencing)

**CRM No.28552 of 2021 in/and
CRM-M No.28427 of 2021
Date of Decision: 14.09.2021**

GURPREET SINGH @ GORA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Avtar Singh Khinda, Advocate
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

CRM No.28552 of 2021

For the reasons mentioned in the application, the same is allowed. Accompanying documents (Annexures A-1 and A-2) are taken on record, subject to all just exceptions.

CRM-M No.28427 of 2021

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.97 dated 03.06.2021, registered under Sections 306 & 506 IPC at Police Station Dharamkot, Distt. Moga.

As per allegations, the FIR was registered at the instance of Mangat Singh with the allegations that his brother Dharminder Singh was married to Reena for the last seven years. He was living with his family in a separate house. For the few days, the petitioner and Mehnga Singh @ Magha Fauji used to keep bad eyes on sister-in-law of the complainant. Brother of the complainant came to know about eve-teasing and efforts made by the accused to have illicit relation with Reena. Brother of the complainant used to stop them many a times from doing that act, but they did not stop and instead gave threats to him. Brother of the complainant told the incident to the complainant and maternal uncle Sham Singh. Even the complainant tried to make the accused understand but they did not stop. Because of this Dharaminder Singh (brother of the complainant) committed suicide by hanging himself.

During course of investigation, statement of Reena wife of the deceased was recorded under Section 161 Cr.P.C. on 14.07.2021, wherein she has alleged that her husband was doing labour work. Petitioner and Mehnga Singh @ Magha Fauji are living in her neighbourhood. Mehnga Singh @ Magha Fauji is serving in Army and whenever, he came on leave, he used to come to her house by making some excuses. After that the complainant came to know about the intentions of Mehnga

Singh @ Magha Fauji being not good as he wanted to make illicit relation with her. She told her husband Dharminder Singh about it. Likewise, petitioner was also keeping bad eye upon her. Brother of the complainant was very upset and many a times, he tried to make them understand, but in vain. Resultantly, Dharminder Singh committed suicide.

Learned counsel for the petitioner submits that co-accused Mehnga Singh @ Magha Fauji has filed CRM-M No.34440 of 2021 in which notice of motion has already been issued for 11.11.2021. Interim anticipatory bail has also been granted to him.

Learned counsel further submits that there is no positive act of instigation on the part of the petitioner to abet the commission of offence. There is no concerted effort on behalf of the petitioner to instigate the deceased to such an extent where suicide was the last resort. The prosecution story is silent about the date and time on which the alleged threat was given by the petitioner and co-accused. Petitioner is in custody since 05.06.2021. Challan has been presented. Charges have not been framed so far. Trial of the case may take some time in its culmination.

Learned State counsel however opposed the bail on the premise that the petitioner is involved in the heinous offence and deceased committed suicide on account of misbehavior of

the petitioner and co-accused.

Looking to the allegations and facts appearing on record and also in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail, without adverting to the merits of the case,

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/concerned Duty Magistrate.

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

September 14, 2021

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Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No