

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

205

CRM-M-36722-2021
Date of decision:20.12.2021

Jaswinder Singh @ Jassi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Madan Sandhu, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.120, dated 08.06.2020 registered for offence under Section 306 of IPC, 1860, at Police Station Dhakauli, District SAS Nagar, Mohali.

FIR, Annexure P-1, came to be registered on the statement of Rajinder Singh @ Raju on the allegation that about 15 days earlier, he had given a room on rent in his premises to a couple, who claimed to be married and identified themselves as Jaswinder Singh (present petitioner) and Madhuri, after police verification. Jaswinder Singh used to stay in the room during the daytime and leave at night, however, he has not been coming for the last few days and his wife Madhu @ Madhuri used to remain under-depression. On the fateful day, he found Madhuri hanging from a fan in the rented room and immediately called

up the police. A diary was found lying on the bed, wherein a suicide note was written in Devanagri script holding Jaswinder Singh responsible for the death.

Counsel for the petitioner contends that the entire prosecution case is based on the alleged unsigned suicide note written in a diary, but its genuineness and veracity is yet to be ascertained. It is his argument that though the petitioner had helped the deceased to look for and take the room on rent, yet he is neither responsible nor has he instigated her to commit suicide. Counsel asserts that the deceased was already married and for the last more than a year staying separately from her husband due to estrangement. He submits that the petitioner, who is a married man with a family and has unblemished past, is in custody since 08.06.2020 and deserves to be released on bail as he is no longer required for custodial interrogation.

Per contra, learned State counsel upon instructions from HC Gulab Singh, has opposed the petition. He submits that the petitioner has been specifically named in the FIR as well as in the suicide note recovered from the bedroom of the deceased. Though, in all fairness, he submits that as the prosecution could not get the admitted handwriting of the deceased, the suicide note could not be sent to the forensic laboratory for its comparison. As per his instructions, investigation is complete, challan has been presented and charge has been framed on 23.02.2021, though none out of 21 prosecution witnesses has been examined.

I have considered the respective submissions of counsel for the parties.

Having considered the above circumstances, this Court is *prima facie* of the view that the involvement of the petitioner in the offence would remain controvertible and the petitioner, who is in custody for the last more than 1 ½ years, would be entitled to be released on bail as the trial is at the initial stage.

Without delving into the merits or de-merits of the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.12.2021

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No