

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

Sr. No.208

CRM-M-39357-2020

Date of decision: 07.01.2021

Balwinder Singh @ Binny

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arvinder Singh Khosa, Advocate
for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

Mr. Manish Sharma, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

Case 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.133 dated 29.08.2020 registered under Sections 306, 354, 506 and 34 IPC at Police Station Arniwala, District Fazilka.

Briefly stated, the case of the prosecution is that the petitioner alongwith Balwant Singh @ Banti used to taunt and harass the deceased by giving name of his sister and also used to send messages on the mobile phone of the deceased's sister asking her to befriend him.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case; the petitioner has been in custody since 29.08.2020; there is no other criminal case in which the petitioner is involved; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation; no recovery is to be made from the petitioner; the story set out in the FIR in question was found to be false as after investigation Balwant Singh @ Bunty was found innocent; even if the entire prosecution case is accepted, though vehemently denied, the same would not constitute

“abetment” within the meaning of Section 107 IPC and that the 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.

Learned State counsel as also counsel for the complainant oppose the grant of bail to the petitioner on the ground that he has abetted the suicide of a 15 year old boy by harassing him in the name of his sister.

Whether the alleged acts of the petitioner of sending messages to the deceased's sister and harassing/taunting the deceased in her name would constitute “abetment” as defined under Section 107 IPC would be debated during the course of the trial. However, the petitioner has been in custody since 29.08.2020; there is no other criminal case in which the petitioner is involved; no further recovery is to be made from him; the report under Section 173 Cr.P.C. has already been filed, therefore the petitioner is not in a position to influence the investigation and the 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.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Fazilka, the petitioner is 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

(DEEPAK SIBAL)
JUDGE

January 07, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No