

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M No.42077 of 2020
Date of decision:22.03.2021

Harpreet Singh Bahad

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Munish Jolly, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.206, dated 19.07.2020 registered under Section 306 IPC, 1860, at Police Station Division No.6, Jalandhar.

FIR in question has been registered by Soni, wife of the deceased on the allegation that her husband, Gurpreet Singh, was an employee of Harpreet Singh Bahad (present petitioner), who used to collect rent on his behalf. She has alleged that the petitioner had beaten and harassed her husband and demanded rent from him, as a result of which he committed suicide by hanging.

Counsel for the petitioner has argued that there was a marital discord between the deceased and his wife-complainant. He has made a reference to the statement of Devraj, father of the deceased, recorded under Section 161 Cr.P.C., Annexure P-3, to submit that there were

constant fights between the deceased and his wife, and the deceased had told him that she used to harass him. In his statement, Devraj further stated that the sister-in-law of the deceased had registered a case of rape against him, as a consequence of which he had spent long time in prison and both his wife and mother-in-law often used abusive language against him. Counsel has relied on the status report filed by way of affidavit of Assistant Commissioner of Police, (Model Town), Jalandhar, wherein it has been stated as under:-

“3. That as per the investigation conducted, deceased Gurpreet Singh was working as a helper with the petitioner/accused off and on so as to meet his liability of rent and day to day needs. The present petitioner was the landlord of the deceased Gurpreet Singh. As per the statement of the father of the deceased Gurpreet Singh, it has come out during investigation that the deceased was disturbed on account of his marital life as also since he was not able to pay the rent of the petitioner/accused. As per the statement of the complainant Smt. Soni, deceased committed suicide since he was not able to pay the rent.”

Still further, he submits that the petitioner is in custody since 11.10.2020, investigation is complete, challan has been presented and the trial is yet to be take time, therefore, petitioner deserves to be enlarged on bail. Counsel for the petitioner has placed reliance upon the judgment of Hon'ble Supreme Court in **M. Arjunan versus State Rep. By Its Inspector of Police 2019 (5) R.C.R. (Criminal) 269**, to submit that the essential ingredients of Section 306 IPC are missing and the alleged insulting attitude of the accused-petitioner cannot by itself

constitute abetment of suicide.

Per contra, learned State counsel upon instructions from ASI Kashmir Singh, has opposed the petition. He submits that as the deceased had allegedly misappropriated the rent and money paid given to him for expenses, he was thrashed by the petitioner, which forced him to take the extreme step. He has filed custody certificate dated 21.03.2021, which is taken on record. As per his instructions, challan has been presented on 17.11.2020 and the case is fixed today for committing challan to Superior Court.

I have considered the rival submissions of the parties.

As to whether the deceased Gurpreet Singh has committed suicide on account of harassment by the petitioner and as to whether the petitioner has any role in the alleged abetment of suicide, are debatable issues.

Keeping in view the above facts and circumstances, nature of allegations, the period of incarceration, gravity of offence and the fact that the trial is likely to take time to conclude, no purpose would be served by keeping the petitioner behind bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

22.03.2021

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(SUVIR SEHGAL)
JUDGE

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