

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-46656 of 2021
Date of decision:14.12.2021

Lovepreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. J.K.Singla, Advocate
for the petitioner.

Mr. R.S.Khaira, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.154 dated 21.09.2021 registered under Section 306 of Indian Penal Code, 1860 at Police Station Bhikhi, District Mansa (Annexure P-1).

Criminal law has been set in motion, on the basis of a statement of Karnail Singh, father of deceased Arshpreet Kaur, on the allegation that his 20 years old daughter, who is studying in a College, has left her home on 19.09.2021 and despite extensive search, he has not been able to locate her. On 20.09.2021 at about 1.30 p.m., he came to know that dead body of his daughter has been recovered from a canal. He learned, later that his daughter was having an affair with Lovepreet Singh (present petitioner) and wanted to get married to him. However, Lovepreet Singh refused despite her

insistence and consequently, she committed suicide.

Counsel for the petitioner submits that the petitioner is a 19 years old boy and is below the legal marriageable age. He submits that the deceased did not leave behind any suicide note and there is no material in the possession of the prosecution to connect the petitioner with the deceased. Still further, he contends that no overt act has been attributed to the petitioner and the necessary ingredients of Sections 107 and 306 IPC are not satisfied. Counsel asserts that the petitioner, who is in custody since 22.09.2021 and has an unblemished past, is no longer required for custodial interrogation as the challan has been presented.

Per contra, State counsel upon instructions from HC Jarnail Singh, has opposed the petition on the ground that the petitioner has been specifically named in the FIR. He, however, could not deny the fact that the complainant has not mentioned the source on the basis of which he has alleged that the petitioner was in relationship with his deceased daughter. As per his instructions, challan has been presented on 22.11.2021, though the charge is yet to be framed.

Having considered the circumstances of the case, the Court is *prima facie* of the view that the material collected by the prosecution would be tested by the trial Court, during the course of the trial and the petitioner, who is in custody for the last more than 2 ½ months, would be entitled to be released on bail as the trial is likely to take time to conclude and his involvement in the incident is open to debate.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on his 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 a reflection of opinion on the merits of the case.

December 14, 2021

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>