

CRM-M-42863-2020 (O&M) and CRM-M-42950-2020 (O&M)

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

Date of decision-06.01.2021

1. CRM-M-42863-2020 (O&M)

Gurjeet Singh

....Petitioner

Vs.

State of Punjab

...Respondent

2. CRM-M-42950-2020 (O&M)

Gurcharan Singh @ Charna Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

**Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. G.S.Dhaliwal, Advocate for the petitioners.**

Mr. Randeep Singh Khaira, AAG, Punjab.

MANOJ BAJAJ, J.

CRM-31509-2020 and CRM-31374-2020

These applications have been filed under Section 482 Cr.P.C for amendment of head note as well as prayer clause as Sections 406 and 201 IPC have not been mentioned in the petitions.

For the reasons mentioned in the applications, same are allowed.

The Registry is directed to make necessary amendments at the

appropriate places.

Main case

Petitioners are accused and have filed the above mentioned petitions separately for grant of regular bail under Section 439 Cr.P.C in case FIR No.345 dated 12.10.2020 registered under Section 306 Indian Penal Code, 1860 (Sections 420, 406, 201 and 120-B IPC added later on) at Police Station Patran, District Patiala. Petitioners are in custody since their arrest on 18.10.2020.

The FIR was registered on the statement of Balbir Singh @ Bira s/o Saun Singh, wherein it was stated that complainant has two sons, namely, Jaswinder Singh and Sukhpal Singh, who were working as driver on harvesting machines (combines). Complainant's sons wanted to purchase new combine after selling old one. Five months ago, his relative, Gurcharan Singh (petitioner), came to their house and told his son-Sukhpal Singh that he would get exchanged his old combine with the new one at Gurjeet Combine Behar Sahib store. On 23.05.2020, Gurjeet Singh (petitioner), who was owner of Combine factory, along with Rajpal and Gurcharan Singh came to complainant's house and took their old combine for a sum of Rs.5,50,000/-. They said that new combine will be delivered to them by 08.10.2020 on payment of Rs.8,80,000/-. It was alleged that despite insisting for the last one month, the accused have not supplied the new combine to them and on intervening night of 11/12.10.2020, Sukhpal Singh committed suicide by hanging himself due to harassment caused by accused persons.

On these broad allegations, FIR was registered.

Learned counsel for the petitioners contends that as per the allegations in the FIR, victim ended his life as the accused delayed the delivery of harvesting machine (combine). It is submitted that the value of the machine owned by the victim was assessed as Rs.5,50,000/- and upon additional demand of Rs.8,80,000/-, the new machine was to be delivered. Learned senior counsel has argued that the issue between the parties was trivial and could not be construed as an abetment. He submits that the investigation of the case is complete, therefore, further custody of the petitioners may not be necessary as the trial is likely to consume considerable time. He prays that the petitioners be released on regular bail during the pendency of the trial.

On the contrary, learned State counsel assisted by ASI Palwinder Singh opposed the prayer, however, it is not disputed that the final report has been filed on 07.12.2020 and the charges are yet to be framed.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, however, the trial is yet to commence. The petitioners after their arrest are in judicial custody since 18.10.2020 and their further detention may not serve any useful purpose. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

Petitions are allowed.

(MANOJ BAJAJ)
JUDGE

06.01.2021
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No