

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CRM-M-50569-2021
Date of decision:07.12.2021

Simranjit Singh @ Simmi

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Abhay Gupta, Advocate
for the petitioner.

Mr. K.S. Aulakh, 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.34, dated 09.03.2021 registered for offence under Section 306 of IPC, 1860, at Police Station Sadar Khanna, District Ludhiana.

As per the version of the prosecution, FIR, Annexure P-1, came to be registered on the complaint of Bhajan Singh, father of the deceased, wherein he stated that at an earlier point of time on 04.03.2021, he had got his statement recorded regarding the suicide of his 31 years old daughter. He stated that he has now come to know from his youngest daughter, Satwinder Kaur, that his deceased daughter- Manpreet was in a relationship with Simranjit Singh @ Simmi (present petitioner) and wanted to get married to him. However, Simranjit Singh @ Simmi established physical relations with her, tarnished her image in

the society by refusing to get married to her and feeling disgraced, her daughter left her paternal home on 04.03.2021 and committed suicide by self-immolation. The complaint was signed by Bhajan Singh, as well as his daughter, Satwinder Kaur.

Counsel for the petitioner submits that though the petitioner is alleged to be in physical relationship with the deceased, however, there is no material with the prosecution to establish that the petitioner was in contact with her. He submits that even the statement, Annexure P-5, of the youngest daughter-Satwinder Kaur, who has stepped into the witness-box as PW-1 is contradictory as in her cross-examination, she has denied the fact that she was aware of the relationship of her deceased-sister with the petitioner or that she has ever disclosed this fact to her father/complainant. Counsel submits that the deceased did not leave behind any suicide note and there is no overt or covert act attributed to the petitioner to attract the mischief of Section 107 IPC and the necessary ingredients of offence under Section 306 IPC are not satisfied. He asserts that the petitioner, who has a clean past and is in custody since 09.03.2021, is no longer required for custodial interrogation.

Per contra, learned State counsel upon instructions from ASI Mahender Singh, has opposed the petition. He submits that the allegations levelled against the petitioner are serious and he has been specifically named in the FIR. Upon further instructions, he submits that 02 (that is, both complainants) out of 19 prosecution witnesses have been examined.

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

This Court is *prima facie* of the view that the involvement of the petitioner in the offence would remain debatable. Considering the fact that there is no suicide note, both the material witnesses have been examined and the petitioner is in incarceration for the last more than 08 months, this Court is of the view that he would be entitled to be released on bail as the trial is likely to take time to conclude.

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.

07.12.2021
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(SUVIR SEHGAL)
JUDGE

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