

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

CRM-M-11082 of 2022 (O&M)

DECIDED ON:17th May, 2022

Buta Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sandeep Sharma, Advocate for
Mr. J.P.S. Brar, Advocate for petitioner.

Mr. Sandeep Kumar, DAG Punjab.

Mr. Karunesh Kaushal, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No.128 dated 19.12.2021, under Sections 306/34 IPC, registered at Police Station Raman District Bathinda.

The FIR was registered on the statement of Kuldeep Singh father of Harjinder Singh (deceased). As per the case set up, the complainant entered into an agreement to sell with Harjeet Singh for purchase of 2 acres of land. The Civil Suit with regard to agreement to sell was pending in the Civil Court. There are allegations that Buta Singh (petitioner) used to threaten to withdraw the case. Kulwant Kaur wife of petitioner used to say that in case the suit is not withdrawn, the complainant would be implicated in a false rape case. The family of the complainant was under tension due to the pending litigation. On 18th December, 2021, the deceased consumed some poisonous substance. On his way to hospital, he handed over a slip to the complainant wherein it was written that the petitioner, Harjeet Singh and his wife were responsible for his death.

Learned counsel for the petitioner submits that civil litigation was pending between the parties; though the petitioner was named in the suicide note but no case is made out for abetment; Petitioner is in custody since 19.12.2021 and no recovery is to be made from him and co-accused were granted anticipatory bail and regular bail by this Court.

Learned State counsel opposes the prayer for grant of bail and on instructions from ASI Gurcharan Singh submits that petitioner was specifically named in the suicide note and there was a threat of involving deceased in a false case.

Though the complainant is not impleaded as party, Mr. Karunesh Kaushal, Advocate appears on behalf of the complainant and submits that complainant's family has been duped of hard earned money.

There was a civil suit pending between the parties, no recovery is to be made, investigation is complete and challan stands presented. The issue as to whether Section 306 IPC is made out against the petitioner would be debatable, co-accused were granted anticipatory bail and regular bail, more over conclusion of trial is likely to take time, petitioner is granted bail, subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

17th May, 2022

reema

Whether speaking/reasoned Yes
Whether reportable No