

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

231

CRM-M-13994-2022

Date of Decision : **July 20, 2022**

Dalwinder Singh

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr.Mandeep Kaushik, Advocate
for the petitioner.

Mr.R.S.Thind, DAG Punjab

JASGURPREET SINGH PURI . J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.0011 dated 27.01.2022 under Section 306/34 IPC, registered at Police Station Dehlon, Police Commissionerate, Ludhiana, District Ludhiana.

It has been submitted by the learned counsel for the petitioner that the petitioner is in custody since 28.01.2022 and the investigation of the case is complete. Thereafter, challan has been presented and the charges have been framed on 09.06.2022. He submitted that it is a case where the petitioner is the brother of the complainant and the allegation against the petitioner is that the nephew of the petitioner, who is the son of the complainant, was thrown out of the house and consequently he had consumed some poisonous substance and he later died. Learned counsel submitted that not only the FIR but in the entire prosecution story, the allegation against the petitioner is regarding harassment and there is no specific incident mentioned anywhere and the

allegations are also vague. He submitted that such allegations do not fulfill the ingredients of Sections 306 and 107 IPC, since there is neither abetment to commit suicide nor there is any allegation with regard to the same and he has already faced incarceration for about six months and the investigation of the case is complete, challan has been presented and charges have been framed, therefore, he may be considered for grant of bail.

On the other hand, Mr.R.S.Thind, DAG Punjab has submitted that it is correct that the petitioner is in custody since 28.01.2022, investigation of the case is complete and the charges have been framed.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for about six months. A perusal of the FIR and the allegations against the petitioner would show that there were allegations with regard to harassment to the deceased and also there appears to be some family dispute with regard to the property as well.

The arguments raised by learned counsel for the petitioner that the basic ingredients of abetment under Section 306 IPC read with Section 107 IPC are not fulfilled does carry weight.

A specific query was put to both the learned counsel for the parties as to whether the petitioner is not involved in any other case, it was stated that he has got clean antecedents and is involved in any other case. Apart from the same, it is not case of the State that in case the

petitioner is released on bail, he may abscond from justice or influence the witnesses.

Considering the facts and circumstances of the case, this Court is of the view that the petitioner is entitled for grant of regular bail. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

20.07.2022

neenu

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No