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

**CRM-M-19323-2022
Date of Decision: 11.07.2022**

Paramjit Singh P.A. Bularia Sahib @ Paramjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandu, Asstt. A.G., Punjab.

Mr. J.S. Thind, Advocate for the complainant.

JASJIT SINGH BEDI, J.(Oral)

The petitioner seeks grant of regular bail under Section 439

Cr.P.C in case bearing FIR No.308 dated 09.11.2021 (Annexure P-1),
registered under Sections 306 and 34 IPC, at Police Station 'B' Division,
District Amritsar.

2. The brief facts of the case are that the statement of
Mandeep Singh son of Sukhwinder Singh @ Babbu (since deceased)
was recorded to the effect that his father was a goldsmith. A few days
ago Harbhajan Singh and his sons Gurinder Singh @ Gora and Jatinder
Singh @ Judge accompanied by 8/10 unidentified persons came to their
house quarrelled with them and inflicted injuries on their persons but a

false FIR under Section 326 IPC was registered against the complainant party at Police Station 'B' Division. Due to this reason his father used to remain disturbed and after writing a suicide note sent the same to a number of groups. He informed his Chacha (uncle) Manjinder Singh and all of them came outside the Police Station and searched for the location of the phone of their father, which came to be at Hotel Shiv Stay inside Sultanwind Gate. He along with his uncle opened the door of the room in the presence of the police party whereupon, the dead body of his father Sukhwinder Singh was lying on the bed and one suicide note was found near the body, in which it had been written that he had committed suicide as he had some transactions with Harbhajan Singh. Due to the said transactions Harbhajan Singh along with his two sons Gurinder Singh @ Gora and Jatinder Singh @ Judge and some unidentified persons had quarrelled with him and threatened him. The deceased further stated in the suicide note that a false FIR under Section 326 IPC had been registered against them at the instance of ASI Narinder Singh. A day prior, they had been called by Paramjit Singh P.A. Bularia Sahib @ Paramjit Singh (the present petitioner), who was the P.A. to the M.L.A., where they were threatened. The said Paramjit Singh P.A. Bularia Sahib @ Paramjit Singh had also taken a lot of money from Harbhajan Singh and on this count Paramjit Singh P.A. Bularia Sahib @ Paramjit Singh was stating that the complainant side would not come out from jail for six months, if money is not returned to the co-accused Harbhajan Singh. Similar threats were meted out by ASI Narinder Singh. Harbhajan Singh had stated that they would set the house of the complainant party on fire

and burn alive the whole family. It was thus, stated in the suicide note that three persons namely Harbhajan Singh, Paramjit Singh P.A. Bularia Sahib @ Paramjit Singh (the present petitioner) and ASI Narinder Singh were harassing him and on this count, he was committing suicide.

3. The learned counsel for the petitioner contends that Harbhajan Singh, the main accused has been granted the concession of regular bail by the Court of learned Additional Sessions Judge, Amritsar (Annexure P-2). He contends that the two sons of Harbhajan Singh namely, Gurinder Singh @ Gora and Jatinder Singh @ Judge had approached this Court by way of an anticipatory bail petition and vide order dated 10.01.2022, they have been granted the concession of anticipatory bail (Annexure P-3). It is further contended that ASI Narinder Singh has been exonerated on an enquiry as per the report under Section 173(2) Cr.P.C. It was thus, contended that the petitioner is the only accused in custody since 19.02.2022, the challan already stands filed and the further incarceration of the petitioner would therefore not be necessary.

4. On the other hand, the learned State counsel did not dispute the factual position that the co-accused of the petitioner had been granted the concession of either regular bail or anticipatory bail as also the fact that the petitioner was in custody since 19.02.2022, the challan had been submitted on 16.04.2022 and none of the 17 prosecution witnesses had been examined thus far. He however stated that the petitioner did not deserve the concession of bail as he was one of the

main accused, who was responsible for the suicide committed by the deceased.

5. The learned counsel for the complainant has vehemently opposed the bail application. He has stated that against the order where by Harbhajan Singh has been granted the concession of regular bail, a cancellation petition has been filed before this Court which is pending adjudication and therefore, the petitioner did not deserve the concession of regular bail. He however did not deny the factual aspects as narrated hereinabove as to the stage of the trial and the period of incarceration also undergone by the petitioner.

6. I have heard the learned counsel for all the parties at length.

7. The co-accused of the petitioner namely, Harbhajan Singh, Gurinder Singh @ Gora and Jatinder Singh @ Judge, have already been granted the concession of regular /anticipatory bail vide orders dated 23.02.2022 and 10.01.2022 (Annexures P-2 and P-3), respectively.

8. Admittedly, the petitioner has been in custody since the last almost 05 months and none of the 17 prosecution witnesses have yet been examined. It would be a matter of adjudication during trial as to whether an offence under Section 306 IPC is made out or not in the facts and circumstances of the present case.

9. In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to

be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.

11. Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

11.07.2022

JITESH

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No