

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-23371-2022 (O & M)****Date of decision: 01.06.2022**

Gurcharan Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Brijeshwar Singh Bhalla, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of the regular bail to the petitioner in a case FIR No.25 dated 18.03.2022 under Sections 306, 452, 323, 504 and 34 IPC registered with Police Station City Dhuri, District Sangruru.

2. The brief facts of the case are that the statement of Sukhwinder Singh son of Balbir Singh was recorded to the effect that on 18.03.2022, while all his family members were present at home and his father Balbir Singh was about to leave home to go for work, Gurcharan Singh son of Lal Singh (petitioner), who is a maternal-uncle of his father, and his (Gurcharan Singh's) son-in-law Joginder Singh alias Nonu son of Jarnail Singh entered their house and started beating his father-Balbir Singh. When he tried to rescue his father-Balbir Singh from their clutches, Gurcharan Singh-petitioner gave a slap to him and Joginder Singh gave a slap to his brother-Harmanpreet Singh. The complainant tried to stop them. The accused-

petitioner Gurcharan Singh alleged that Balbir Singh (deceased) was keeping an evil eye on his daughter. Thereafter, Gurcharan Singh, etc., took his father-Balbir Singh from their house to A.P. Colony where Gurcharan Singh was working and the complainant also went there. Balbir Singh (deceased), however, ran away from the place and could not be found and at about 8.00 a.m., in the morning, they came to know that he hanged himself at a *Tahli* tree. The motive for the occurrence was that Gurcharan Singh and Joginder Singh @ Nonu had beaten the deceased and had levelled allegations against his character because of which, Balbir Singh committed suicide.

4. The learned counsel for the petitioner submits that, in fact, the deceased Balbir Singh was harassing the daughter of the petitioner-Gurcharan Singh, who is the wife of Joginder Singh @ Nonu (since granted bail vide order dated 27.05.2022 passed by this Court) and had taken some obscene photographs of hers. Balbir Singh (deceased) was the nephew of Gurcharan Singh (the present petitioner) and it was on account of this dispute that the occurrence is said to have taken place wherein the deceased committed suicide. He further submits that a reading of Section 107 IPC with Section 306 IPC does not reveal the commission of any offence. In no manner, can the petitioner be said to have instigated the deceased to commit suicide even if he reprimanded the deceased for misbehaving with his daughter. Even otherwise, no suicide note has been written by the deceased. It is lastly contended that the petitioner is in custody since 18.03.2022. He does not have any criminal antecedents and none of the 15 prosecution witnesses have been examined so far. Therefore, he prays for the grant of bail to the petitioner.

5. The learned State counsel, on the other hand, submits that it

Joginder Singh @ Nonu that forced the deceased to commit suicide and, as such, the petitioner does not deserve the concession of regular bail.

6. I have heard the learned counsel for both the parties.

7. Before proceedings further in the matter, it would be necessary to examine Sections 306 IPC and 107 IPC. The same are reproduced hereunder:-

“Section 306 IPC: Abetment of suicide:- If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

“Section 107 IPC :- Abetment of a thing:- A person abets in doing of a thing, who--

Firstly-- Instigates any person to do that thing; or

Secondly-- Engages with one or more other person or persons in any conspiracy for the doing of that thing, if any act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

Thirdly-- Intentionally aids, by any act or illegal omission, in doing of that thing.”

A perusal of the aforementioned provisions of the Indian Penal Code (IPC) would show that the accused must instigate the deceased with an intention that the person should commit suicide. In the present case, it would be a matter of adjudication during trial as to whether the act and conduct of the petitioner was such that it aided in the commission of the suicide in any manner or instigated the deceased to commit suicide.

8. The petitioner is in custody since 18.03.2022 and the challan stands submitted. He does not have any prior criminal record. None of the prosecution witnesses have been examined so far and no suicide note has

9. In view of the above and the fact that the trial of the case is not likely to concluded in the near future, but without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Gurcharan Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

June 01, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No