

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

Sr. No.218

CRM-M-23694-2022

Date of decision: 25.07.2022

Gurbinder Singh @ Gurvinder Singh @ Gopi

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. S.S. Kainth, Advocate for
Mr. Davinder Kumar, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.055 dated 10.04.2022 registered under Section 306 IPC at Police Station Nehianwala, District Bathinda.

The petitioner is being prosecuted for having abetted the deceased's suicide.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; the petitioner has no other criminal case pending against him; the complainant (father of the deceased), grandmother (Kusum) and grand-father (Ram Singh) have been examined before the Trial Court as witnesses of the prosecution and during their deposition they have given a clean chit to the petitioner; the petitioner is in custody since 12.04.2022; all the material witnesses of the prosecution have already been examined; the only evidence against the petitioner are the alleged call details between the petitioner and the deceased as also CCTV footage that the deceased was taken to the hospital by the petitioner; the afore evidence does not connect the petitioner with the crime he is accused of; even if such evidence is accepted, though vehemently denied, the same would not

constitute 'abetment' under Section 107 IPC and that the petitioner's trial will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has abetted the deceased's suicide.

Whether the evidence collected by the State in the form of call details between the petitioner and the deceased as also CCTV footage showing the petitioner taking the deceased to the hospital would constitute 'abetment' under Section 107 IPC would be debated during the course of the petitioner's trial. Nonetheless, the complainant (father of the deceased), grand-mother (Kusum) and grand-father (Ram Singh), while appearing before the Trial Court as witnesses of the prosecution, have not towed the line of the prosecution and have been declared hostile; the petitioner is in custody since 12.04.2022; all material witnesses have already been examined and that the petitioner's trial is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bahtinda, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 25, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No