

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

212

CRM-M-26662-2022

Date of Decision: 21.06.2022

GURNANDAN SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Jivitesh Singh Dosanjh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

VINOD S. BHARDWAJ, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.92, dated 31.05.2021 under Sections 306, 506 and 34 of the Indian Penal Code, 1860 and Section 3(2)(v) of SC/ST Act 1989, which was added later on vide DD No.39 dated 07.08.2021, registered at Police Station Kotbhai, District Sri Muktsar Sahib.

Learned counsel appearing on behalf of the petitioner *inter alia* contends that the FIR in the present case was registered at the instance of Karamjit Kaur wife of late Bohar Singh alleging that her husband had taken 22 acres of land in village Khunde Halal belonging to Pal Ji, Commission Agent at the rate of Rs.40,000/- per acre on which he had earlier sown paddy of corn crop and thereafter the wheat crop on the entire land. The crop sown by her husband was harvested by accused persons namely Harcharan Singh, Numberdar, Gurnandan Singh (petitioner herein),

Khushwinder Singh, Numberdar and Sukhjinder Singh @ Laddi son of Gurdev Singh. It is alleged that all the accused persons used to harass her husband and that even the wheat crop that was so sown by her husband was harvested by the abovesaid accused persons. Threats to eliminate Bohar Singh was also being extended. It is alleged that owing to the harassment being meted out by the accused persons, who indulged in repeated acts of forcibly harvesting the crop sown by Bohar Singh, he committed suicide by jumping into a canal. The matter was investigated into and a final report as well as supplementary report was filed.

It is contended that the petitioner has not been attributed any role as would satisfy the ingredients prescribed under Section 107 of the IPC so as to make out a case of abetment of suicide under Section 306 of the IPC. It is submitted that the petitioner had not committed any offence and that as a matter of fact, the deceased Bohar Singh was having illicit relationship with one Arshdeep Kaur, who had stopped talking to him as the son of deceased Bohar Singh had attempted to commit rape upon the daughter of said Arshdeep Kaur. On account of the termination of relationship by Arshdeep Kaur with Bohar Singh, he was under tremendous pressure and has ended his life by committing suicide. It is further argued that the petitioner is in custody since 18.10.2021 and has already undergone an actual custody of more than 08 months. He further contends that there are 45 prosecution witnesses to be examined by the prosecution and the complainant while appearing into the witness box has not supported the case of the prosecution and has turned hostile. He thus contends that continued incarceration of the petitioner would not advance any interest of

justice.

Learned State counsel, on the other hand, opposed the prayer and had pointed out that mere fact that the complainant has turned hostile does not lend any credence to the merits of the case of the petitioners inasmuch as a suicide note had been written as well as video recording was prepared by the deceased Bohar Singh prior to his committing suicide. Resultantly, the testimony of the complainant is immaterial insofar as determination of criminality is concerned and having not supported the case of the prosecution has no material bearing on the evidence already collected by the investigating agency. She, however, could not controvert the fact that the petitioner has already undergone an actual custody of more than 08 months and that the trial of the case is not likely to conclude soon. Besides, the complainant has already been examined. It is also noticed that two other similarly placed accused persons, to whom identical allegations have been attributed, have already been granted the concession of regular bail vide order dated 27.05.2022 passed in CRM-M-17539 of 2022 titled as 'Sukhjinder Singh @ Laddi Vs. State of Punjab' and vide order dated 11.05.2022 passed in CRM-M-16185 of 2022 titled as 'Harcharan Singh Vs. State of Punjab'.

Taking into consideration the facts noticed above and the period of custody already undergone by the petitioner as well as the fact that the complainant has already been examined and she has not supported the case of the prosecution and that the trial of case is not likely to conclude in near future, I deem it appropriate to allow the instant petitioner.

Accordingly, the present petition is allowed and the petitioner

is admitted to regular bail subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

21.06.2022
rajender

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