

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-27294 of 2022
Date of decision:02.09.2022

Sukhchain Singh @ Banty

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Harpreet Kaur, Advocate
for the petitioner.

Mr. P.S.Grewal, DAG, Punjab.

Mr. Amandeep Sharma, Advocate for
Mr. A.S.Manaise, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C., seeking grant of regular bail to the petitioner in case FIR No.257 dated 24.12.2021 registered under Section 306 of Indian Penal Code, 1860 at Police Station City Jalalabad, District Fazilka (Annexure P-1).

Case of the prosecution is that FIR (Annexure P-1) has been registered on the statement of Bohar Singh on the allegation that his 18 year old college going daughter is being harassed for the last two months by Sukhchain Singh @ Banty (present petitioner). It has been alleged that she told the complainant that Sukhchain Singh tried to force her into his car,

also clicked her photographs and made a video recording. The complainant got her name removed from the college rolls. Complaint to Gurnam Singh, father of the petitioner and also to his relative, did not improve the situation. On the morning of 24.12.2021, when went for his work, he received a telephonic call that his daughter had committed suicide by hanging herself from a ceiling fan. He and his brother-in-law, Mehar Singh, took her to the hospital where she was declared to be brought dead.

By making a reference to the photographs, counsel for the petitioner, submits that deceased was in a relationship with the petitioner. It is her argument that deceased did not leave behind any suicide note and prior to lodging of FIR, Annexure P-1, neither the complainant nor the deceased submitted complaint to any authority. She submits that both the complainant and mother of the deceased, have been examined and petitioner, who is a young boy of 24 years of age and is in custody since 28.12.2021 deserves to be enlarged on bail.

Per contra, upon instructions from ASI Jagjeet Singh, State counsel, who is assisted by Mr. Amandeep Sharma, Advocate for Mr. A.S.Manase, Advocate for the complainant, have opposed the petition and urged that both the prosecution witnesses have supported the allegations levelled in the FIR. It has been urged that petitioner has been harassing the deceased and his name has been specifically mentioned in the FIR. Still further, State counsel has instructions to submit that trial is underway and 02 out of total 15 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, but without advertng to the merits or demerits of the arguments addressed, this Court is *prima facie* of the view that complicity of the petitioner in the offence would remain controvertible before the Trial Court. Period of custody of the petitioner and stage of the trial are other factors, which impel this Court to order release of the petitioner on bail during the pendency of the trial.

Petition is allowed. Petitioner is ordered to be released on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

September 02, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes