

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

208-2

**CRM-M No.30372 of 2022
Date of Decision: 29.09.2022**

Jarnail Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Ajay Pal Singh Rehan, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
for the respondent-State.

Mr. Rishi Kaushal, Advocate
for the complainant.

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MEENAKSHI I. MEHTA, J. (Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.85 dated 07.06.2022 registered at Police Station Bullowal, District Hoshiarpur, under Section 306 IPC, the petitioner has moved this petition for seeking the relief of anticipatory/pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled by informant-Baljinder Kaur in the subject FIR, are that the petitioner, along-with his co-accused, had got her husband named Harbhajan Singh implicated in a criminal case and therefore, he (her husband) used to remain perturbed and due to this reason, he took the extreme step of ending his life/committing suicide.

3. Status-report submitted on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Sub Division Rural, District Hoshiarpur), along-with Annexure R-1, is already available on the file and both these documents are taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the informant/complainant) in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the afore-said criminal case had not been registered against the deceased and his family members, at the instance of the petitioner and moreover, the allegations, as levelled in the said FIR as well as the suicide-note Annexure P-1, do not constitute an offence under Section 306 IPC and in these circumstances, the petitioner deserves the relief as prayed for in the instant petition.

6. Per-contra, learned State counsel points out that in the suicide-note left behind by the deceased, the petitioner has specifically been named as one of the persons, who were instrumental in getting him implicated in the above-said criminal case and thereby, constraining him to take the drastic step of committing suicide and he argues that in view of the nature of the offence committed in this case, the present petition be dismissed.

7. As regards the contention qua the petitioner not being the complainant/informant in the afore-said criminal case registered against the deceased, the same will be subject matter for consideration and decision before the trial Court at the relevant stage in view the evidence that would

be led on the file but at the moment, the fact remains that the deceased/victim has categorically mentioned in his suicide-note, i.e Annexure P-1, that accused Dalbir Singh and Rajinder Singh had scuffled with him but the petitioner and his co-accused namely Ravinder Pal Singh Rana, Balwinder Singh Ena and Bhupinder Singh, by using their political influence and in connivance with ASI Gurmeet Singh and SHO Pardeep Singh, got the false criminal case registered against him (deceased) and his family members.

8. So far as the contention regarding the offence under Section 306 IPC having not been made out in this case is concerned, the same can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial and the same cannot be decided, at this stage, while dealing with the instant bail petition.

9. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

10. However it is clarified that nothing contained here-in-before shall be construed be an expression of the opinion of this Court on the merits of the case.

29.09.2022
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: *Yes*
Whether Reportable: *No*