

CRM-M-35091-2022

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

CRM-M-35091-2022

Date of decision: 16.11.2022

Major Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.82 dated 03.05.2022, registered at Police Station Kotbhai, District Sri Muktsar Sahib, under Sections 306 and 506 IPC.

As per the case of prosecution, on 02.05.2022, the complainant and her son-Manpreet Singh (since deceased) were present in the house; that the petitioner ignited fire in the garbage lying in his house and smoke of which was coming towards the complainant's house; that Manpreet Singh asked the petitioner to put the garbage outside, but he had threatened Manpreet Singh that he would usurp their house and make them homeless. Some litigation is also pending between the parties. Due to this animosity, Manpreet Singh was in depression and, therefore, he had committed suicide by consuming some poisonous substance.

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Learned counsel for the petitioner contends that the petitioner has falsely been implicated in the present case; the petitioner has been in custody since 04.05.2022; that the petitioner is a neighbour of the complainant whose son committed suicide on 02.05.2022, and that no role by an act of instigation or by doing certain acts to facilitate the commission of suicide, has been attributed to the petitioner, which could be said to have abetted the commission of suicide by Manpreet Singh. In fact, the petitioner had given his house to the complainant party to organize a *langar*, but the same had not been vacated. Learned counsel further contends that suit for possession qua the aforesaid house, filed by the petitioner against the complainant and others, was decreed on 23.03.2018. The appeal preferred by the complainant against the judgment dated 23.03.2018, is still pending adjudication before learned Addl. District Judge, Sri Muktsar Sahib.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the commission of the offence.

I have heard the learned counsel for the parties.

There is no suicide note left by the deceased. As stated above, the civil suit filed by the petitioner against the complainant and others, has already been decreed and an appeal preferred by the complainant is pending adjudication before learned Addl. District Judge, Sri Muktsar Sahib. The litigation is already pending between the parties.

Moreover, challan has already been presented. The petitioner has been in custody since 04.05.2022. Trial is unlikely to conclude any

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time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

16.11.2022
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No