

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

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CRM-M-40942-2022

Decided on : 13.09.2022

Amanpreet Singh

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ramneet Vasudeva, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

SANJAY VASHISTH, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail to the petitioner – Amanpreet Singh, who has been booked for having committed the offence punishable under Section 306 IPC, in FIR No. 21, dated 21.04.2022, registered at Police Station Singh Bhagwantpura, District Rupnagar.

Learned counsel for the petitioner submits that on account of committing suicide by consuming poison by deceased Jasbir Singh son of the complainant- Tarlochan Singh, name of the petitioner has been dragged in the present FIR by alleging that petitioner-Amanpreet Singh was in relation with Gagandeep Kaur who was married just six months back to the son of the complainant. Thus, on account of said relationship with Gaganpreet (wife of deceased- Jasbir Singh), Jasbir Singh always remained under stress, resulting into the committing of suicide by him. He further submits that even there is no allegation in the FIR that the petitioner directly abetted the deceased to commit suicide, therefore, no offence under Section 306 IPC is made out against the petitioner. It is further submitted that infact there is

nothing mentioned that petitioner had ever met Jasbir Singh (now deceased) during his lifetime. Therefore, it would be a moot question before the trial Court whether any offence under Section 306 IPC is made out or not. He further submits that petitioner is a young boy aged about 25 years and no other case of any nature has ever been registered or pending against him. Thus, he prays for regular bail to the petitioner.

Per contra, learned counsel submitted custody certificate dated 13.09.2022 in the Court today and same is taken on record. As per said custody certificate, petitioner had already undergone custody for a period of 3 months 21 days and no other case of any nature is registered against the petitioner. He further submits that petitioner is the main person because of whose conduct, Jasbir Singh had suffered actual victimization and finding no way out, had to commit suicide. Therefore, petitioner does not deserve any concession of bail. He further submits that conduct of the petitioner is infact against the norms of the society also. However, he is not disputing the fact that after completion of investigation, challan has been filed.

Considering the submissions of both the sides and perusing the material available on record with their able assistance and taking into consideration the age of the petitioner, question of ingredients of Section 306 IPC in the present case are yet to be examined by the trial Court, in my view, no purpose would be served by keeping the petitioner inside jail, especially when trial is likely to take some time in its finalisation. Accordingly, I am of the considered view that petitioner deserves the concession of bail.

In view of the aforementioned facts and circumstances of the case and the submissions made by the parties, the present petition is allowed. Petitioner is ordered to be released on bail in this case, subject to his

furnishing bail/surety bonds to the satisfaction of the learned Trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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.

Observations made here-in-above shall not be construed as an expression on merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

(SANJAY VASHISTH)
JUDGE

September 13, 2022

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