

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.210

CRM-M-49223-2021

Date of decision: 12.07.2022

Barinder Singh @ Binda

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. L.M. Gulati, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Vishva Bahl, Advocate
for the complainant.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.81 dated 26.06.2021 registered under Sections 306 and 34 IPC at Police Station Sultanwind, District Amritsar.

The petitioner is being prosecuted for having abetted the complainant's wife's suicide.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case as the complainant is inimical towards him; the petitioner has no other criminal case pending against him; the petitioner has been in custody since 30.06.2021; not only is the investigation complete even the complainant has been examined before the Trial Court and therefore, the petitioner is not in a position to influence the trial; even if the case of the prosecution is accepted as the gospel truth, though vehemently denied, the allegations against the petitioner of having teased the deceased are too vague and unsubstantiated to be brought under definition of 'abetment' under Section 107 IPC; there is no suicide note or any other worthwhile evidence with the prosecution to connect the petitioner with the crime he is accused of and that further incarceration of the petitioner is not necessary.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the act of the petitioner of teasing the deceased were so grave that in the end the deceased committed suicide by consuming poison.

The adequacy of the evidence on the record with regard to the mode and manner in which the petitioner allegedly teased the deceased as also whether such acts on his part would constitute 'abetment' under Section 107 IPC would be debated during the course of the petitioner's trial. However, the petitioner is in custody since 30.06.2021; the petitioner has no other criminal case pending against him; investigation in the case is complete and that the complainant has been examined before the Trial Court and therefore, the petitioner is not in a position to influence the trial.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

July 12, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No