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

CRM-M-51599-2021 (O&M)

Date of decision : 25.08.2022

Ramandeep Singh @ Ramna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.177 dated 29.08.2021 registered under Sections 306, 380, 109, 506 of the Indian Penal Code, 1860 (Sections 380, 109, 506 of IPC have been deleted later on) at Police Station Sadar Dhuri, District Sangrur.

Learned counsel for the petitioner has submitted that in the present case, there is no suicide note and a perusal of the FIR would show that no offence under Section 306 of IPC is made out. It is further submitted that FIR has been registered on the statement of Jarnail Kaur on the allegation that the present petitioner alongwith grandson of complainant- Jarnail Kaur (who is the deceased) had entered into her house and had

committed theft of 800 Canadian dollars and 8 tollas of gold and due to this, grandson of the complainant was in a state of fear and shock and on account of the said fact, the present petitioner had allegedly scared him and grandson of the complainant committed suicide. It is contended that since Sections 380, 109, 506 of IPC have been deleted in the present case, thus, allegations with respect to theft have not been found to be substantiated. It is further contended that the said complainant-Jarnail Kaur has been examined as PW1 and she in her examination-in-chief has specifically stated that the present petitioner is not responsible for the death of her grandson and has not supported the prosecution case. It is argued that the petitioner is in custody since 02.09.2021 and challan has already been presented and there are 23 witnesses, out of which, 22 witnesses are yet to be examined and thus, the conclusion of trial is likely to take time and the petitioner is not involved in any other case.

On the other hand, learned counsel for the State has opposed the present petition and has submitted that as per the allegations levelled in the FIR, offence under Section 306 of IPC is made out.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 02.09.2021 and challan has already been presented and there are 23 witnesses, out of which, 22 witnesses are yet to be examined and thus, the conclusion of trial is likely to take time and the petitioner is stated to be not involved in any other case. There is no suicide note in the present case and FIR has been registered on the statement of Jarnail Kaur, who is the grandmother of the

deceased and the said Jarnail Kaur has appeared as PW1 and has specifically stated that the petitioner is not responsible for the death of her grandson. The question as to whether the offence under Section 306 of IPC is made out or not on the allegations that the petitioner alongwith deceased had allegedly committed theft in the house of the complainant and had then got scared, would be finally adjudicated during the course of trial.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

All the pending miscellaneous applications, if any, stand disposed of in view of the abovesaid judgment.

25.08.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No