

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

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CRM-M-239-2022 (O&M)

Date of Decision: 29.07.2022

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.S.Sekhon, Advocate, for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Jasvir Singh.

GURVINDER SINGH GILL, J. (Oral)

CRM-19184-2022

For the reasons mentioned in the application, the same is allowed and the photocopies of statements of PW-2 Gurjinder Singh and PW-3 Jagsir Singh are taken on record as Annexures P-5 & P-6 respectively, subject to all just exceptions.

CRM-M-239-2022

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.60 dated 26.03.2020 at Police Station City Kotkapura, District Faridkot, under Section 306 IPC (Section 34 IPC added later on).
2. The FIR was lodged at the instance of Gurjinder Singh, brother of the deceased, wherein he has alleged that his elder brother Gurjit Singh developed illicit relations with their neighbourer Charanjit

Kaur and both of them fled from the village. Subsequently, after sometime, they returned back to the village and after staying for a short time, they went away and started residing at Kotkapura. The complainant alleged that on 26.03.2020, he received a telephonic call from his brother Gurjit Singh that Charanjit Kaur had started harassing him and had been threatening him to get him killed from her son Sandeep Singh (petitioner). Later, on the same day, he came to know that his brother Gurjit Singh had committed suicide by hanging himself.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that there is no credible evidence to suggest that the petitioner had committed any such act, which could be said to constitute abetment of suicide. It has also been submitted that the complainant i.e. Gurjinder Singh (PW-2) and the person residing in the neighbourhood of the deceased i.e. Jagsir Singh @ Giani (PW-3) have both resiled and that in these circumstances, no useful purpose would be served by detaining the petitioner any further. Learned counsel has further submitted that since the main accused i.e. the petitioner's mother with whom the deceased was having illicit relations had already been granted bail by this Court vide order dated 21.01.2021, the petitioner also deserves the same concession on the grounds of parity.
4. Opposing the petition, learned State counsel has submitted that in the present case apart from the telephonic call, which the complainant had received from his brother, a suicide note was

recovered, wherein the deceased has categorically nominated the petitioner and her mother as the accused. It has further been submitted that such suicide note was got examined from FSL and the hand-writing has been opined to be that of deceased himself. Learned State counsel has further submitted that in such like cases even if the complainant resiled, the medical evidence coupled with the suicide note would furnish ample evidence to establish the complicity of the accused. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 9 months and that as on date 6 out of cited 12 PWs have been examined.

5. I have considered rival submissions addressed before this Court.
6. Without commenting anything as regards the merits of the case, but while noticing that the petitioner has been behind bars for a substantial period of about 9 months and two of the witnesses including the complainant i.e. brother of the deceased have resiled and also that the co-accused has already been granted bail, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

29.07.2022

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(GURVINDER SINGH GILL)**JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No