

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2838 of 2023(O&M)

Date of Decision: 17.03.2023

Jasmail Singh

...Petitioner

Versus

State of Punjab

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Amaninder Singh, Advocate
For the petitioner.

Mr. H.S. Sullar, Sr. DAG Punjab.

KARAMJIT SINGH, J.

The present petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case having FIR No. 170 dated 13.12.2018, registered under Sections 306 read with Section 34 IPC at Police Station Sadar, Faridkot.

Counsel for the petitioner, *inter alia*, contends that the petitioner is son of deceased Mahender Singh and he never harassed or ill-treated his father in any manner and there is nothing on record to *prima facie* show that the petitioner ever compelled his father to commit suicide by consuming celphos tablets. He further submits that no suicide note was left behind by the deceased. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 07 months and is having no criminal history and further after completion of investigation the challan has been presented and trial has commenced but it will take considerable time

for the trial to conclude. The counsel for the petitioner further submits that now the matter has been compromised between the parties and the compromise deed is Annexure P-3. However, the complainant who was real brother of the deceased has also died and copy of his death certificate is Annexure P-4 and even his son has given his affidavit (Annexure P-5) in favour of the accused persons with regard to the compromise.

The present petition is contested by the State counsel who submits that the petitioner is named as accused in the FIR, along with other persons and all of them are responsible for death of Mahender Singh who committed suicide. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 07 months and after completion of investigation challan has been presented but the case is at its initial stage as till date only two prosecution witnesses are examined.

I have considered the submissions made by counsel for the parties.

Mahender Singh who committed suicide has not left behind any suicide note. Admittedly, the petitioner is son of the deceased while complainant in this case is real brother of the deceased. As per counsel for the petitioner the complainant has also died. It is a matter of evidence as to whether the petitioner compelled his father to end his life by committing suicide. As per counsel for the petitioner now the matter has been compromised between the parties. Admittedly, the petitioner is in custody for the last more than 07 months and it will take time for the trial to conclude as till date only two prosecution witnesses are examined. Co-accused Ranjit Singh @ Ladoo has been granted regular bail by this Court vide order dated 10.01.2023 (Annexure P-8).

In view of the above, no useful purpose is going to be served by prolonging the judicial custody of the petitioner.

Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

17.03.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No