

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.: 102
Criminal Miscellaneous No.M-15936 of 2023
Date of Decision: March 29, 2023

Balwant Singh @ Banti

..... PETITIONER(S)

VERSUS

State of Punjab & another

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

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Present:- Mr. Mehar Singh Rai, Advocate, for the petitioner.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab.

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Tribhuvan Dahiya, J (Oral)

This is a petition for grant of pre-arrest bail to the petitioner in case FIR No.133 dated 29.08.2020 under Sections 306, 354, 506, 34 IPC and Section 67 of Information and Technology Act, 2000, registered at Police Station Arniwala, District Fazilka.

2. Briefly stated, the allegations against the petitioner are that he alongwith co-accused Balwinder Singh @ Binni, used to harass the deceased in the name of his sister/complainant and used to send messages on her mobile phone asking to befriend him.

3. Learned counsel for the petitioner contends that after investigation, challan was filed only against Balwinder Singh, and the petitioner was placed in column 2. During trial, he has been summoned as additional accused under Section 319 Cr.P.C. by the Additional Sessions

Judge, vide order dated 27.01.2023, only on the allegations having been

repeated in her testimony by the complainant as PW-1. This is not a sufficient ground to summon the petitioner as additional accused. There is no material on record which could even *prima facie* establish that the deceased was ever subjected to any harassment by him leading to his taking the extreme step of committing suicide.

4. Notice of motion.

5. Mr. Jashandeep Singh, Assistant Advocate General, Punjab, accepts notice on behalf of the respondent-State, and on instructions from ASI Subhash Chander, does not deny that petitioner was found innocent after investigation, and his custody is no longer required by the investigating agency.

6. Since the petitioner has been summoned as additional accused during trial and his custody is not required by the investigating agency, nor is it apprehended that he will influence the witnesses or hamper trial, it is deemed appropriate to admit him to bail.

7. Accordingly, the petitioner is directed to appear before the trial Court within a week from today. Upon doing so, he shall be admitted to bail subject to satisfaction of the trial Court.

(Tribhuvan Dahiya)
Judge

March 29, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No