

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

214

CRM-M-36681-2021

Date of Decision: 28.03.2023

Sandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.S. Sidhu, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Charanjit Sharma)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.60 dated 20.06.2021 under Section 306 of Indian Penal Code, 1860 (for short 'IPC') and Sections 67 & 67A of Information Technology Act, 2000 (for short 'IT Act') added later on vide Rapat No.19 dated 24.06.2021 registered at Police Station Maur, District Bathinda.

2. The case of prosecution is that complainant Bahadur Singh lodged a complaint alleging that he has nine daughters. His daughter Gurpreet Kaur was married with Gurlal Singh. The petitioner Sandeep Singh used to disturb his daughter with bad intentions and was sending obscene messages on her phone. On 20.06.2021 at around 10:30 AM, he

received a phone call from the in-laws family of his daughter who informed him that his daughter Gurpreet Kaur had committed suicide by hanging herself in her room. His daughter has committed suicide on account of obscene message sent on her mobile by accused- Sandeep Singh.

3. Learned counsel for the petitioner, *inter alia* contends that petitioner has been implicated on the basis of one Whatsapp message allegedly sent by the petitioner to deceased one month prior to her death. The complainant did not come forward for examination till the passing of order by this Court which shows intention of the complainant. The petitioner is in custody since 21.06.2021 and he has been implicated on the basis of oral statement of the complainant. The basis of statement of complainant is based upon hearsay. The police is intentionally trying to favour the complainant and in-laws of the deceased. The post-mortem report is categorically disclosing that deceased had died on account of injuries which are anti-mortem in nature and which were sufficient to cause death. The petitioner is not involved in any other offence. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Bathinda. The petitioner has deep roots in the society. There is no possibility of flee from justice.

4. Custody certificate dated 26.03.2023 is taken on record. Registry is directed to tag the same at appropriate place.

5. Learned State Counsel submits that police report has already been filed and charges stand framed. He further submits that out of 16 witnesses, one witness i.e. complainant has been examined. The petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

6. In the case in hand, the petitioner is in custody since 21.06.2021 and he is not involved in any other offence. There are 16 prosecution witnesses and till date only complainant has been examined, thus, there is abysmally low possibility of conclusion of trial in near future. The post-mortem report seems to be contrary to contents of the FIR, however, the Trial Court yet has to return definite findings on the disputed issues. As prosecution has right to arrest, investigate the matter and restrain an accused from manipulating or winning over witnesses, similarly accused in view of Article 21 of the Constitution of India has right to defend himself and put forth his stand which cannot be possible while in custody. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses.

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail

subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

8. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

28.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>