

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31910-2023
Date of decision:12.07.2023

Sukhchain Singh ...Petitioner

VS.

State of Punjab ...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr. Tanvir S. Grewal, Advocate
for the petitioner.

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

N.S.Shekhawat J.

The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant regular bail to him in case FIR No.76 dated 31.05.2023 registered under Sections 306 and 34 of IPC, at Police Station Sadar Sangrur, District Sangrur (Annexure P-1).

The FIR in the present case was registered on the basis of the statement made by Lovepreet Singh son of Bikkertej Singh. As per the complainant, his father Bikkertej Singh had started a brick kiln with Sukhchain Singh-petitioner, Sukhwinder Singh, both sons of Ram Singh and Balwinder Singh son of Teja Singh in village Jauiaan, Police Station Boha in the year 2021. His father had the share of 50% in the said business and due to loss incurred in the business, there were differences between the partners. The matter was compromised in October, 2022 and as per the compromise, they were to sell the brick kiln. However, later on, petitioner, Sukhwinder Singh and

Balwinder Singh started moving applications against them to SSP Mansa and also started threatening them. Due to this, his father was mentally disturbed. It was further averred that the said persons started pressurizing his father to either transfer the brick kiln in their name or to give Rs.1 crore. At about 11.00 am on 30.05.2023, his father left home on his scooter and at around 3.30 pm, he called up to say that he was coming, but he did not come. On 31.05.2023, at about 7.30 am, the complainant received the information that his father was lying dead near village Uppli and the scooter was parked near him. The complainant alongwith his family members went to the spot and recognised the dead body of his father. He further alleged that due to pressure and threats given by the partners of their brick kiln, his father had committed suicide by consuming some poisonous substance. Mainly with these allegations, the complainant got the present case registered against the petitioner, Sukhwinder Singh and Balwinder Singh.

Learned counsel for the petitioner submits that as per version of the complainant himself, it was a purely civil dispute between the accused and the complainant side. The parties were partners in a brick kiln and had executed a deed in this regard. The said business was running into losses. Due to the said losses in the business of brick kiln, Bikkertej Singh, since deceased, the petitioner and the other co-accused entered into a compromise deed dated 03.10.2022 to settle their differences and to recover their losses. A copy of the said compromise deed was annexed as Annexure P-2 with the petition. Even Bikkertej Singh, since deceased moved a criminal writ petition i.e. CRWP No.2751 of 2023 before this Court for protection of life and liberty and in the said petition also, Bikkertej Singh, since deceased had himself admitted that the

dispute between the parties was purely of civil nature. While disposing of the said writ petition, a Co-ordinate Bench of this Court held that according to submissions addressed by the petitioners before this Court, it appeared that the dispute was of a civil nature relating to the transactions of money and the petitioners (complainant side here) had failed to point out any specific incident with some sort of evidence in regard to the apprehension to their lives and liberty at the hands of respondents No.5 to 7 and the petition was ordered to be dismissed. Learned counsel further contends that the petitioner is a resident of East Delhi, whereas Bikkertej Singh, deceased was residing at his village in District Sangrur (Punjab). Thus, it was highly improbable that the present petitioner had abetted the suicide of the deceased in any manner. He further contends that Sukhwinder Singh, who is the brother of the petitioner, had filed a petition for grant of anticipatory bail before this Court vide CRM-M-No.30740 of 2023 and vide order dated 20.06.2023 (Annexure P-5), he was granted the concession of ad-interim anticipatory bail by this Court. He further contends that the petitioner has no criminal antecedents and nothing is to be recovered from him. Above all, even from the averments made in the FIR, no offence under Section 306 IPC is made out against the present petitioner. The petitioner was arrested in the instant case on 07.06.2023 and his further incarceration would serve no useful purpose.

In support of his contentions, learned counsel for the petitioner has relied upon the law laid down by the Hon'ble Supreme Court in the matter of ***Sanju @ Sanjay Singh Sengar Vs. State of Madhya Pradesh, 2002(2) RCR (Criminal) 687; Gurcharan Singh Vs. State of Punjab, 2017(1) RCR (Criminal) 118; M. Arjunam Vs. State represented by Its Inspector of Police,***

2019(5) RCR (Criminal) 269 and submitted that the essential ingredients of the offence under Section 306 IPC were completely missing in the instant case.

Learned State counsel has vehemently opposed the present petition by submitting that the petitioner and his co-accused had instigated Bikkertej Singh, deceased to commit suicide and a specific role was assigned to the petitioner in the FIR. He further submits that the deceased was threatened by the petitioner and his co-accused and the offence under Section 306 IPC was made out against the petitioner. Thus, keeping in view the gravity of the offence, the petition filed by the petitioner was liable to be dismissed.

I have heard learned counsel for the parties and perused the record.

It is not in dispute that the petitioner was arrested in the present case on 07.06.2023 and is in custody since then. Similarly placed co-accused i.e. his brother Sukhwinder Singh has been granted the concession of ad-interim anticipatory bail by this Court and the petitioner is at par with him. Still further, the prosecution is yet to prove during the course of trial that the cruelty meted out to the victim had in fact induced the victim to end his life by committing suicide.

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/Duty Magistrate/Chief Judicial Magistrate, concerned.

12.07.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No