

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32170-2023

Date of Decision: 12.07.2023

Charanjit Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

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

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.139 dated 29.12.2022 registered under Section 306 of IPC, at Police Station Maur, District Bathinda.

The FIR in the present case was registered on the basis of the statement made by Kamaldeep Singh son of Gursewak Singh, son of the deceased. It was alleged in the FIR that his father Gursewak Singh was aged 50 years and was running a cloth shop and was also working as tailor near Gillan Wala Khuh, Talwandi Sabo. Few days ago, his father informed him that Charanjit Singh, i.e. the petitioner had purchased cloth on credit basis from him. About 1-1/2 months ago, there was marriage of daughter of Charanjit Singh and at that time of marriage also, Charanjit Singh had borrowed a sum of Rs.13 lakhs from Gursewak Singh. However, now Charanjit Singh had refused to

return the money and due to this, his father was upset. On 29.12.2022 at 9.00 am, his father Gursewak Singh had gone from the house to his work on his Aactiva Scooter and at about 12.00 pm (noon), the complainant came to know that his father Gursewak Singh had jumped into the canal near the head of village Jodhpur Pakhar. The complainant further stated that his father had died to the harassment caused by Charanjit Singh as he did not return the outstanding amount to his father.

Learned counsel for the petitioner contends that even from the averments made in the present FIR, no offence under Section 306 IPC is made out against the present petitioner. He further contends that the petitioner was arrested in the present case on 04.02.2023 and after completion of the investigation, final report under Section 173 Cr.P.C. has been presented before the learned trial Court on 05.04.2023. He further contends that the charges in the present case are yet to be framed and the next date of hearing is fixed on 26.07.2023. Thus, the custody of the petitioner will serve no meaningful purpose.

On the other hand, learned State counsel contends that the petitioner is the principal accused and all the allegations in the FIR are targeted against him. He further contends that a suicide note was recovered from the deceased, which has been sent to the FSL for examination and prays for dismissal of the bail application.

I have heard learned counsel for the parties and perused the record with their able assistance.

It is not in dispute that the petitioner was arrested in the present case on 04.02.2023 and the trial is yet to be formally commenced with the framing of charges on 26.07.2023. It is also the admitted case of the parties that no suit for recovery or any other complaint was ever filed by the deceased against the present petitioner. The issue, whether the offence under Section 306 of IPC is made out against the present petitioner, shall be decided by the learned trial Court during the course of trial.

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