

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

CRM-M-36382-2019

Date of decision : 15.03.2023

Sarabjit Singh

Petitioner

V/S

State of Punjab

Respondent

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Rahul Sharma, Advocate and
Mr. Arpandeeep Narula, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.64 dated 12.08.2018 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Satnampura, District Kapurthala.

The above-said FIR was registered on the complaint made by Sukhjot Kaur alleging that her father Pal Singh had purchased a plot measuring 9 ½ marlas, situated in Phagwara, in the year 2007 from Sunil Kumar through property dealer Raj Kumar and after purchasing the same he had raised burjies and boundary wall and laid foundations on the same. However, about 1½ months back when her father went to see the plot, it was found that Gurdarshan Lal, Sarabjit Singh (the

petitioner) and Rajinder Sharma property dealer were trying to take possession of the plot after demolishing the burjies and were raising boundary wall. However, they stopped the demolition on arrival of the police. It is alleged that on 11.8.2018, when complainant's father again went to the plot, Gurdarshan Lal, Surjit Kaur, Sarabjit Singh and Rajinder Sharma and 4-5 unknown persons were constructing boundary wall on the plot after demolishing the burjies and upon which complainant's father made a telephone call to the police station and the police came to the spot and restrained the said persons. However, later the said persons again started raising construction of the boundary wall and drove out complainant's father from the said place. In the evening, when the complainant's father returned home he disclosed that he was tense and was feeling aggrieved at the hands of the aforesaid persons and went of to sleep without having food. Late in the night when the complainant went to her father's room, she saw her father wriggling in bed and who disclosed that on account of attempts made by Gurdarshan Lal, Surjit Kaur, Sarabjit Singh and Rajinder Sharma and 4-5 unknown persons for taking possession of his plot and by fixing a gate he felt aggrieved and has consumed poison. The complainant's father was rushed to hospital but he could not survive.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. No offence under Section 306 of the IPC is made out against the petitioner. In fact Surjit Kaur wife of the petitioner is the owner in possession of a plot in

question. The complainant and his father have no concern, right, title with the plots. Even in the alleged suicide note, no overt act has been attributed to the petitioner. Co-accused Inspector Gurdev Singh, named in the suicide note was found to be innocent during inquiry and co-accused Rajinder Sharma, named in the suicide note, has already been granted anticipatory bail by Hon'ble Supreme Court vide order dated 14.03.2022. The petitioner has already been granted interim bail on medical ground vide order dated 01.11.2019 passed by this Court. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition in terms of reply dated 05.11.2022 filed by the State and submits that the petitioner along with his co-accused has instigated the father of the complainant to commit suicide.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case, the fact that co-accused Gurdev Singh, named in the suicide note was found to be innocent and co-accused Rajinder Sharma, named in the suicide note, has already been granted anticipatory bail by Hon'ble Supreme Court vide order dated 14.03.2022 and also the fact that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the

concession of regular bail.

Accordingly, the present petition is allowed and petitioner- Sarabjit Singh, who is already on interim bail, is directed to appear before the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned and on his appearance the petitioner shall be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

15.03.2023
kothiyal

(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No