

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-47633-2023

Date of Decision:-13.10.2023

Narinder Singh @ Sona.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Ashish Gupta, Advocate for the Petitioner.

Ms. Ramta K Chaudhary, Deputy Advocate General, Punjab.

Mr. Anoop Singla, Advocate for the Complainant.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0069 dated 06.05.2023 under Sections 306 and 34 IPC registered at Police Station Sadar Faridkot, District Faridkot.

2. The present FIR came to be registered at the instance of Gagandeep Taneja who stated that he was an Advocate practising at the courts at Faridkot. His brother Narinder Kumar (deceased) was having financial transactions with his (deceased's) friend Inderjit Singh @ Indu (since granted bail vide order dated 23.08.2023 in CRM-M-40494-2023), Narinder @ Sona (petitioner) and Rohit (since granted interim anticipatory bail vide order dated 13.06.2023). His brother Narinder Kumar had been upset for the last one month. On an enquiry his brother disclosed that Inderjit Singh @ Indu, Narinder Singh @ Sona and Rohit were demanding

an amount of Rs.2 lacs from him (deceased). A day prior to the occurrence his brother had called him (complainant) and had told him (complainant) that his three friends were harassing him (deceased) and demanding money from him (deceased). On this he (complainant) transferred an amount of Rs.7,000/- in the account of his brother. On the next morning when he (complainant) went for work he saw a video on his mobile phone wherein his brother was stating that he was going to jump into the canal on being harassed by Inderjit Singh @ Indu, Narinder Singh @ Sona and Rohit. On this he (complainant) along with his family started searching for his brother and when they reached on the boundary of village Bholuwala the dead body of Narinder Kumar was found floating in the Rajasthan Feeder. His Bhabi Geeta Rani told him (complainant) that Narinder Kumar had said in the morning that the three accused had told him that if he did not return their money they would insult him in the city and would not let him live. Legal action was sought.

3. The Counsel for the petitioner contends that taking the allegations to be true no offence of abetment is made out as demanding of money from a person by itself would not amount to abetment in the absence of any positive act on the part of the accused. He contends that the video clip also does not further the case of the prosecution in as much as there is no allegation that there was any positive incitement on the part of any of the accused to drive the deceased to commit suicide. In fact one of the co-accused Rohit Grover had been granted the concession of interim anticipatory bail by this Court vide order dated 13.06.2023 (Annexure P-1) whereas another co-accused Inderjit Singh @ Indu have been granted the concession of regular bail by this Court. As the petitioner was in custody since 06.05.2023, none of the 18 prosecution witnesses had been examined

so far.

4. The Counsel for the State on the other hand contends that serious allegations have been levelled against the petitioner and his co-accused. Their demanding money from the deceased drove him to commit suicide. Therefore, he was not entitled to the concession of bail. He however, concedes that the petitioner is in custody since 06.05.2023 and none of the 18 prosecution witnesses had been examined so far and that the co-accused Inderjit Singh @ Indu has been granted the concession of bail.

5. The Counsel for the complainant on the other hand contends that the offence was well established and the petitioner was not entitled to the concession of bail.

5. I have heard the learned counsel for the parties.

6. Whether the allegations levelled in the FIR constitutes an offence or not shall be adjudicated upon during the course of Trial. Admittedly, the petitioner is in custody since 06.05.2023 and none of the 18 prosecution witnesses have been examined so far. In this situation the Trial of the present case is not likely to be concluded any time soon. Therefore, his further incarceration is not required, more so when his co-accused has already been granted the concession of bail.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Narinder @ Sona son of Sh. Karnail Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the

petitioner from the trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

October 13, 2023
Vinay

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