

229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47760-2023
Date of decision : 30.11.2023

AVTAR SINGH

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Pushp Jain, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab.

Mr. Amardeep S. Mann, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.110 dated 24.06.2023 registered for the offences punishable under Section 306 of the Indian Penal Code, 1860 at Police Station Sadar Bhikhi, District Mansa.

2. Custody Certificate of the petitioner has been filed today in Court. The same is taken on record.

3. Counsel for the petitioner submits that even if the allegations levelled in the FIR are taken to be gospel truth the same would not constitute abetment as enumerated under Section 107 IPC to constitute offence under Section 306 IPC. He submits that the complainant or the

deceased would have reason to feel aggrieve only after total payment. As per the allegations levelled the payment was made in part only and thus there was no reason for the deceased to feel depressed for not having travelled abroad.

4. Per contra, counsel appearing for the complainant however submits that the reason for victim being depressed was not having been travelled to abroad but for the reason that after having been taken payment in part the accused stopped responding which led to filing of the complaint by the deceased before E.O. Wing, Mansa.

5. Counsel for the petitioner further contends that the petitioner is behind bars for last more than 5 months and 5 days. He has no other criminal antecedents. Challan already stands presented and charges have been framed. Thus there can't be any apprehension that the petitioner shall tamper with the evidence and his custody cannot be prolonged as a punitive measure.

6. I have heard counsel for the parties and have gone through records of the case.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and the fact that the investigation already stands concluded and Challan stands presented, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial

Court/Duty Magistrate concerned.

8. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

November 30, 2023					(Pankaj Jain)
Dpr					Judge
	Whether speaking/reasoned	:		Yes/No	
	Whether reportable	:		Yes/No	