

CRM-M-48808-2023

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(235)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48808-2023

Date of Decision: 03.10.2023

JASPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.S. Sidhu, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.37 dated 03.04.2023 registered under Section 306 IPC at Police Station Sardulgarh, District Mansa.

2. The brief facts of the case are that the statement of one Kewal Singh son of Teja Singh was recorded to the effect that he was employed with the Punjab Home Guard Police, District Mansa. His younger son namely Kamalpreet Singh (deceased) aged 23 years and was unmarried. He was working as a Driver with the Punjab Roadways Depot, Barnala and would often visit his maternal family at Village Naiwala. On 02.04.2023, he had proceeded from Pathankot to Sardulgarh via Barnala and had stopped at the bus stand Sardulgarh. One Vijay Kumar was a Conductor on the bus. In the morning, he (complainant) received a phone call that his son Kamalpreet Singh had committed suicide by hanging himself with a rope tied to a pipe on the roof of the bus. His son had disclosed to him about 10 days ago that

Jaspal Singh @ Jaspreet Singh @ Jassu (petitioner) son of Jagsir Singh had taken his driving licence and had not returned the same. He (Jaspal Singh @ Jaspreet Singh @ Jassu) had also levelled false allegations against him (deceased) that he (deceased) was having relations with his (petitioner's) wife. The petitioner had also issued threats to him (deceased). His (complainant's) son had stated that they (complainant family) were not to pick up any phone call received from Jaspal Singh @ Jaspreet Singh @ Jassu (petitioner). On account of fear, his son had committed suicide on the night intervening 2/3.4.2023 on account of the threats given by Jaspal Singh @ Jaspreet Singh @ Jassu. Legal action was sought.

3. The learned counsel for the petitioner contends that the allegations levelled against the petitioner are completely baseless. In fact, the petitioner was married to one Kirandeep Kaur and two children were born from the said wedlock. There is no evidence of the petitioner having had any prior altercation with the deceased. Taking the prosecution case to be correct, merely because the petitioner had taken the driving licence of the deceased would not be a sufficient reason to commit suicide. Further, assuming, the petitioner was apprehending that the deceased was involved with his wife, it was but natural that he would confront the deceased. Be that as it may, there was no evidence that the petitioner had instigated or harassed the deceased to such an extent that he would go and commit suicide leading to the commission of the offence in question. As the petitioner was in custody since 03.04.2023, none of the 32 prosecution witnesses had been examined so far and he was a first-time offender, he was entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that specific allegations have been levelled against the petitioner in the FIR. It was on account of the threats meted out by the petitioner that the deceased committed suicide. Therefore, he was not entitled the concession of bail. He, however, does not deny the fact that the petitioner is a first-time offender, in custody since 03.04.2023 and none of the 32 prosecution witnesses had been examined so far.

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

6. The veracity of the prosecution case against the petitioner shall be a matter of adjudication during the course of trial. Admittedly, the petitioner does not have any criminal antecedents. He is in custody since 03.04.2023 and none of the 32 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In such a situation, his further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Jaspal Singh son of Jagsir Singh is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present case mentioned in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court.

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The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

03.10.2023

JITESH

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