

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
*CHANDIGARH*

CRM-M- 52228-2022 (O&M)

Date of Decision: 01.03.2023

*Dilbagh Singh alias Goggi*

*... Petitioner*

V/s.

*State of Punjab*

*... Respondent*

**CORAM:** **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Angraze Singh Dhindsa, Advocate  
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

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**DEEPAK MANCHANDA, J.(Oral)**

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 58 dated 23.05.2022, under Section 306 IPC registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner contends that the petitioner is in custody since 24.05.2022. He submits that the petitioner has been falsely implicated in the present FIR. As per the allegations, the daughter of the complainant namely Harpreet Kaur informed about the incident of inhaling some poisonous substance by his son, which has been recorded by him and the same was sent to one of his friends namely Jagtar Singh r/o Malli Majra, who further sent the said video to his daughter, from where he came to know about the incident of committing suicide by his deceased son. Learned counsel for the petitioner submits that apart from the said video, which was recorded in the phone of the deceased, there is no suicide note or

any dying declaration which could prove instigation or abetment against the petitioner for the commission of the suicide by the son of the complainant. He further contends that as per the statement dated 11.06.2022 recorded under Section 161 Cr.P.C by the complainant, the said mobile phone of the deceased Jaspreet Singh alias Jassi was handed over, which was having number 9779463235 and was in running condition but after the incident there was no SIM available in the said handset nor there was any memory card and it was found on factory settings (totally reset). Learned counsel also submits that on 15.06.2022 one more statement was made by the complainant under Section 161 Cr.P.C. wherein it was stated that the deceased son of the complainant while inhaling sulphas tablets in his fields made a video on his mobile phone which got recorded on the CD (compact disk) and the said CD was taken into possession by the police as is evident from the recovery memo but same is contrary to the statement made on 11.06.2022. He further submits that even as per the said video the allegation of abetment or instigation for the commission of suicide is not proved as the petitioner was not present at that time. It is further contended that the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Custody certificate along with reply have been filed by the respondent-State, which are taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature, however, does not dispute the fact that the investigation is complete and challan stands presented on 29.07.2022.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 24.05.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. As per the status report/reply filed by the respondent-State, the mobile phone was got deposited in FSL, Mohali vide Rod No. 77 dated 08.07.2022 for its examination. Thereafter no reference has been made with regard to receiving of the FSL report after examination of said mobile used by the deceased. Further, since matter stands investigated and the challan stands presented and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)  
JUDGE

01.03.2023  
seema

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|---------------------------|---------|
| Whether speaking/reasoned | Yes     |
| Whether Reportable        | Yes /No |