

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.217

CRM-M-55149-2022

Date of decision: 30.01.2023

Ravinder Singh @ Rinku

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Umesh Aggarwal, Advocate, for the petitioner.

Mr. A.P.S. Tung, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.55 dated 07.05.2022 registered under Sections 306 and 34 IPC at Police Station Kamboj, Amritsar.

The petitioner alongwith his co-accused is being prosecuted for having abetted Gurprit Singh's suicide.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case as he was alleged to have an affair with the deceased's wife; there is no evidence on record which shows that the petitioner played any role before or at the time when the deceased committed suicide; even as per the prosecution it was co-accused Mamta who was with the deceased at the time he allegedly consumed poison; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the part that the petitioner is alleged to have played would not come under the definition of abetment as defined under Section 107 IPC; the petitioner has no other criminal antecedents; the petitioner is in custody since 23.05.2022; investigation in the case is complete and therefore, the petitioner is not in a position to influence the same and that since in the petitioner's trial 19 prosecution witnesses still remain to be examined, the same will take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner was having an affair with the deceased's wife on account of which the deceased committed suicide and therefore, the petitioner, having abetted the deceased's suicide, deserves no bail.

The petitioner is in custody since 23.05.2022; investigation in the case is complete and therefore, he is not in a position to influence the same; it would be debated during the course of the petitioner's trial as to whether his alleged action of him having an affair with the deceased's wife would constitute “abetment” under Section 107 IPC; admittedly, the petitioner was not with the deceased at the time when he allegedly consumed poison and that since in the petitioner's trial 19 prosecution witnesses still remain to be examined, the same is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Amritsar, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

January 30, 2023
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No