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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54030-2023
Date of decision: 03.11.2023

SURJIT SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Aminder Singh, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.35 dated 30.06.2023, under Sections 306, 506 and 34 of the IPC, registered at Police Station GRP Sangrur, District Sangrur, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody from 29.07.2023, which is more than 3 months and the police has completed the investigation and thereafter challan has also been presented under Section 173 Cr.P.C. He further submitted that it is a case where the allegations against the petitioner were that he had met the deceased, who is the husband of the complainant at a marriage function where the husband of the complainant had gone to sing, which was his profession and later on when he

came back to his house, he was threatened by the petitioner on phone by making false allegation of rape etc. and due to which, the husband of the complainant had gone to the railway track and committed suicide. He also submitted that the entire case was a concocted story and even otherwise also it is not a case where any of the ingredients of Sections 306 and 107 of the IPC were fulfilled since there is no allegation of abetment to commit suicide nor is there any nexus with the act and the alleged threat which was made by the petitioner.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab. submitted that it is correct that the petitioner is in custody from 29.07.2023. He further submitted that there is no suicide note in the present case.

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

5. The petitioner has already faced incarceration for more than 3 months and the present FIR has been registered under Sections 306, 506 and 34 of the IPC. There is no suicide note in the present case and the dead body of the husband of the complainant was found on the railway track. The actus of instigation is yet to be proved at the time of trial. A perusal of the FIR would show that the petitioner along with some other co-accused had threatened the deceased with regard to his involvement in the allegation of rape. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case and the fact that the trial may take long time to conclude, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

03.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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