

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 60900-2022 (O&M)

Date of Decision: 10.03.2023

Ravinder Sharma alias Ravi Sharma

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Mr. G. S. Nahel, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

Mr. T. S. Grewal, Advocate and
Mr. M.S. Dhaliwal, Advocate
for the complainant.

DEEPAK MANCHANDA, J.(Oral)

CRM-11141-2023

The instant application has been filed for placing on record the
copy of complete challan under Section 173 Cr.P.C. as Annexure P-5.

For the reasons mentioned therein, the application is allowed.

Document as Annexure P-5 is taken on record subject to all just
exceptions.

CRM-M- 60900-2022

Petitioner has prayed for grant of regular bail under Section 439
Cr.P.C. in case FIR No. 145 dated 03.12.2022 under Sections 306 and 34
IPC registered at Police Station Longowal, District Sangrur.

Learned counsel for the petitioner contends that the petitioner is in custody since 06.12.2022. He submits that the petitioner has been falsely implicated in the present case as the petitioner neither abetted or instigated the deceased to commit suicide nor he was present at the time when the deceased committed the suicide. It is argued that the bail application of the petitioner was dismissed by the trial Court on the ground that the investigation was at an early stage and if released on bail, the petitioner can influence the witnesses or may temper with the evidence. He further contends that even as per the FIR, the allegations are against the wife of the deceased and only on the basis of mere a bald statement made by the complainant that the wife of the deceased was having illicit relations with one Jagdev Singh alias Kala and the present petitioner and the deceased restrained his wife from continuing such relations and moreover as per disclosure statement of complainant Najar Singh dated 04.12.2022 (Annexure P-3 and Annexure P-4), the mobile phones used by the wife of the deceased and co-accused Jagdev Singh alias Kala through which both used to talk to each other got recovered by themselves only. Learned counsel for the petitioner also averred that there is no call detail available to prove that the petitioner used to talk to the wife of the deceased on phone hence no offence under Section 306 IPC is made out against the petitioner. Learned counsel for the petitioner submits that there are no other antecedents and the challan stands presented and the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, 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 as he is specifically named in the FIR. Learned counsel for the respondent-State further submits that the petitioner has been specifically named in the suicide note, where the standard signatures of the deceased were taken has been sent along with the suicide note for FSL, the report of the same is still awaited, however, does not dispute the fact that no call details found qua the petitioner and the wife of the deceased and the challan stands presented and no other case is pending against the petitioner.

Learned counsel for the complainant argues that the petitioner has been specifically named in the suicide note along with the name of wife of the deceased and the co-accused and are responsible for his death.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 06.12.2022.

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 status report, the FSL with regard to comparison of signatures and the suicide note was sent and its report is still awaited and as per Annexures P-3 and P-4, both the mobile phones used for communication by the wife of the deceased as well as co-accused Jagdev Singh alias Kala were got recovered by them whereas the respondent-State is not able to show any such communication to establish a link between wife of the deceased and the petitioner nor any such mobile has been recovered from the petitioner. Further, since the challan is presented and nothing has been recovered from the petitioner and there are no other antecedents 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

10.03.2023
seema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes /No</i>