

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-455-2024

Date of Decision:-12.01.2024

Bachittar Singh @ Bablu.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Amandeep Singh Manaise, Advocate for the Petitioner.

Mr. Harkanwar Jeet Singh, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.59 dated 08.07.2022 under Sections 306, 34 IPC registered at Police Station Sadar Pathakot.

2. The present FIR came to be registered at the instance of Namider Kumar and read as under:-

“ Statement of Namider Kumar son of Darshan Kumar resident of Village Taragarh, PS Sadar Pathankot, aged about 41 years, Phone No.97795-24524. Stated that I am: a resident of the above said address and I do the work of AC repair besides Jagran etc. My brother Inderjeet aged about 39 years was working as RMP Doctor. About 10 years back my brother was married to Gurinder Kaur resident of Hamira, District Kapurthala and two children were born out of the wedlock i.e. son Khushdeep aged 9 years and daughter Pari aged 6 years. My bhabi Gurinder Kaur had illicit relation with Bachittar Singh @ Bablu son of Lakhwinder Singh resident of village Gosal, PS Kalanaur, due to which my brother Inderjeet often remained upset. On 07.07.2022 at about 1 PM, I was present at the

gate of my house that my brother came out of his house and was speaking loudly, upon which I inquired the reason and he replied that I am very upset from my wife and Bablu. Being upset from them I will end my life and in anger, he went away from home on his white Hero Destiny Scooter No.PB35AH-7430. We kept on scarching for him but he could not be found. Today, I and my brother in law Jatinder Kumar @ Sonu son of Karan Singh resident of Ranjhe De Kothe, PS Taragarh were searching for my brother on our scooter and when we reached the bridge of Kotli Canal at about 5-6 PM, then we saw my brother's scooter No.PB35AH-7430 parked near the road. When we went near the scooter then it was found that the key was inside the scooter and on checking the dicky of the scooter, we found MI Mobile phone of my brother along with one page of notebook. On the page, it was written in Punjabi with a pencil that "I Inderjeet is going to commit suicide. The reason of my suicide is the illicit relation of my oife with some person of village Gosal, Kalanaur whose name is Bablu. He in connivance with my wife is harassing me, due to which I am upset and I am committing suicide. My wife Gurwinder Kaur and her lover Bablu are responsible for my death. I am Inderjeet son of Darshan Kumar village Taragarh, Tehsil and District Pathankot." On seeing this we started searching for my brother on the banks of the canal but he could not be found. I believe that my brother has committed suicide by jumping in the canal being upset with his wife Gurwinder Kaur and Bachittar Singh @ Bablu. The mobile phone, scooter and the suicide note of my brother has been produced before you. I am claimant against Gurwinder Kaur wife of Inderjeet and Bachittar Singh @ Bablu son of Lakhwinder Singh. Legal action be taken against them. Statement has been got recorded, has been heard, is correct. Sd/- Naminder Kumar. Sd/- Jatinder Kumar. Attested Parkash Chand ASI, PS Sadar Pathankot dated 08.07.2022."

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. In fact Gurwinder Kaur the co-accused had a matrimonial dispute with her husband Inderjeet (deceased) and was living separately since long. The petitioner who was living in Kalanaur came in contact with the co-accused and they started

living together. The deceased started threatening them. Being aggrieved the petitioner and Gurvinder Kaur filed a joint petition seeking protection, which was disposed of by this Court vide order dated 12.01.2023 (Annexure P-2). A child was born from the live-in relationship of the petitioner and co-accused Gurwinder Kaur. In fact it was the deceased who had started issuing threats to the accused side. However, taking the allegations to be correct, merely because the petitioner was in a live in relationship with Gurwinder Kaur wife of the deceased would not amount to abetment as envisaged under Section 107 IPC. As the petitioner was in custody since 22.09.2023, the investigation stood completed and only 02 out of the 13 prosecution witnesses have been examined so far, the Trial of the present case was not likely to be concluded anytime soon and, therefore, he was entitled to the concession of bail.

4. The Counsel for the State on the other hand contends that the petitioner has been duly named in the suicide note recovered during the course of the investigation. The nature of the allegations levelled against the petitioner did not entitle him to the grant of bail. He however, concedes that the petitioner was in custody since 22.09.2023, 03 out of the 13 prosecution witnesses had been examined so far and that the petitioner was a first time offender.

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

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is custody since 22.09.2023 and only 02 out of the 13 prosecution witnesses have been examined so far, therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Bachittar Singh @ Bablu** son of Sh. Lakhwinder Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 12, 2024
Vinay

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