

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

213

**CRM-M-800 of 2024 (O&M)
DATE OF DECISION :- 13.03.2024**

Harpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

CRM-11637 of 2024

Heard.

For the reasons mentioned in the application, as also in view of the submissions made by learned counsel for the petitioner, the application is allowed.

CRM-M-800 of 2024

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 314 dated 04.10.2023, registered for the offences punishable under Sections 306/120-B IPC at Police Station Division 'B' District Police Commissionerate, Amritsar.
2. Counsel for the petitioner submits that the petitioner is in custody since 23.10.2023 and investigation in the case already stands completed. Learned counsel for the petitioner has further argued that prime

allegations made against the petitioner in the first statement of the complainant-Ajit Singh on 04.10.2023 only reveals that the cause of the deceased having committed suicide was that the petitioner was siding with his mother and brothers/sisters instead of the deceased and no allegations of maltreatment etc. were made. Subsequently, a supplementary statement of the complainant-Ajit Singh was recorded on 30.10.2023 wherein allegations of dowry harrasment/maltreatment etc. have been made. Learned counsel for the petitioner has also argued that from the factual conspectus of the case, the offence under Section 306 of IPC is not made out against the petitioner. To buttress his arguments, learned counsel for the petitioner has relied upon the ratio decidendi of the judgment of the Hon'ble Supreme Court in the case of '*Mohit Singhal and another versus The State of Uttrakhand & Ors.*', relevant whereof reads as under :

"9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide."

Thus regular bail is prayed for.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. I have heard counsel for the parties and have gone through the available records of the case.

5. The petitioner was arrested on 23.10.2023 wherein after investigation was carried out and challan was presented on 20.12.2023. Total 20 prosecution witnesses have been examined and the culmination of the trial will take its own time. The rival contentions of the learned counsel for the parties as to, whether the offence of Section 306 of IPC is made out or not in the factual conspectus of the instant case, shall be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival submissions at this stage lest it may prejudice trial proceedings. No tangible material has been brought on record to show that there is likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 12.03.2024 filed by State counsel, the petitioner has suffered incarceration for about five months & is not shown to be involved in any other case. Suffice to say, in the entirety of facts and circumstances of the case, further detention of the petitioner as an under trial is not warranted.

6. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.

- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

7. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

8. Ordered accordingly.

9. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

13.03.2024
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No