



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

220

CRM-M-1692-2024

Date of Decision : **July 15, 2024**

MANMEET SINGH @ TOTA SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. N.S.Sidhu, Advocate for the petitioner.

Mr. Sahil K. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.88 dated 20.7.2023, Under Section 306 IPC, registered at Police Station Kot Bhai, District Sri Mukatsar Sahib, Punjab.

2. The prosecution agency was set into motion on a complaint made by one Rani Kaur wife of deceased Jaspal Singh, wherein, she alleged that Rajvir Kaur, daughter of her brother-in-law (Jeth Tota Singh) was abducted by Tanta Singh son of Nirmal Singh and the matter was compromised with the intervention of the Panchayat and FIR No. 94 dated 11.7.2023 was registered against the petitioner husband (deceased), who was being pressurized to enter into a compromise. He confessed to the petitioner that he is being harassed and on dated 19.7.2023, Tota Singh (present



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petitioner), Nirmal Singh, Sukhpreet Kaur, Lovepreet Singh and Karamjeet Kaur chased Jaspal Singh @ Pali threatened him (deceased). He came home and narrated the incident to the complainant, after which the deceased left home at 9.00 p.m. and next day his body was found hanging from a tree.

3. Learned counsel for the petitioner in the asking for the relief of regular bail, submits that in the allegations, there is no ingredients, which could attract the penal provisions of Section 306 IPC. He further submits that there are total 5 accused named in the FIR and out of them, 4 have already been granted the relief of regular bail. He also submits that the petitioner has suffered incarceration of more than 5 months as on today and till date the trial has not begun.

4. The submissions made by the learned counsel for the petitioner have been refuted by the learned State counsel, by submitting that the present petitioner is the main accused, who had harassed the deceased and pressurized him to effect compromise by registering a false FIR No. 94 dated 11.7.2023. He further submits that the petitioner is not on parity with the other co-accused, who have been extended the benefit of regular bail as the petitioner is the main accused. He also submits on instructions from the official concerned that the final report has already been filed in the instant matter after conclusion of the investigation and thereupon, the charges were framed against the petitioner and other co-accused under Section 306 IPC, on dated 29.11.2023. He in addition informs this Court that, out of 27 cited witnesses by the prosecution in the final report, none has been examined so far.

5. This Court has considered the submissions made by the learned counsel for the parties concerned and is of the view that the present petitioner



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deserves to be released on regular bail for the reasons that he has suffered incarceration of 5 months and 6 days and whether the allegations contained in the instant FIR attract the provisions of Section 306 IPC are the moot question, which is required to be adjudicated by the learned trial Court concerned after adduction of evidence by the prosecution. Further the petitioner has clean antecedents and is not involved in any other case. The co-accused have already been enlarged on regular bail and the trial is yet to begun as the prosecution has cited 27 witnesses, therefore, the conclusion of trial would take long time.

6. Without commenting upon the merits of the case, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 15, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No