

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2887-2024
DECIDED ON: 24.01.2024

PAWANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.194, dated 13.11.2023 (Annexure P-1), under Sections 306/34 IPC, registered at Police Station Nehianwala, District Bathinda.
2. Learned counsel for the petitioner contends that the deceased Birbal Singh committed suicide by hanging himself with the tree. He further contends that no offence under Section 306 IPC is made out as there is no suicide note blaming the petitioner except the assertions made by the complainant in that behalf in the present FIR that his younger brother Birbal Singh (deceased) was being harassed by the present petitioner and other persons, though evidently there is nothing on record to show that any kind of threat was advanced to the deceased Birbal Singh at the hands of the petitioner.
3. On the other hand, learned State counsel has produced the custody certificate of the petitioner, which is taken on record, to demonstrate that he has

suffered incarceration for a period of 02 months & 06 days and also fairly concedes that the petitioner is not involved in any other case.

4. However, considering the factual aspects and the allegations made in the FIR, the custody period though is less but would not be a predicament to consider his release on bail, as *prima facie* an offence does not seems to be made out under Section 306 IPC atleast for consideration of instant petition for regular bail added with the fact that the petitioner is not involved in any other case.

5. This Court is sanguine of the fact that according to the proposition settled by the Apex Court that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule and jail is an exception*”.

6. In view of the aforesaid discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

7. In the afore-said terms, the present petition is hereby allowed.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

24.01.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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