

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SR. No.222

CRM-M-4179-2024

Date of decision:01.02.2024

Bohar Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.K.S. Brar, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S. SHEKHAWAT, J.

1. The petitioner has filed the present petition under Section 439 Cr.P.C. with a prayer to grant him regular bail in case FIR No.36 dated 24.03.2023 registered under Section 306/34 IPC at Police Station Sadar Kotkapura, District Faridkot.

2. The FIR in the present case was registered on the basis of the statement made by Jaspal Singh @ Kaku son of Meghna Singh. As per the complainant, his son Harmesh Singh @ Nirmal Singh was married to Rani Kaur daughter of Suba Singh resident of village Gill, District Ferozepur. His daughter-in-law Rani Kaur used to fight with his son and used to go her parental house after fighting with him. They used to bring her back through panchayat. She also used to make false complaints against his son Harmesh Singh. About 4 months ago, his daughter-in-law went to her parental house by saying that she was going to meet her parents, however she did not come

back. When Harmesh Singh went to bring her back, he was beaten up by her family members at village Gill. Bohar Singh (petitioner) used to come to their house and had developed illicit relations with his daughter-in-law Rani Kaur. When his son Harsmesh Singh @ Nirmal Singh came to know about illicit relations of his wife Rani Kaur with Bohar Singh, he had developed depression. He always used to say that his wife had cheated him and had illicit relations with Bohar Singh. On 24.03.2023, Harmesh Singh @ Nirmal Singh committed suicide by hanging himself with the girder of the ceiling in his house. With these broad allegations, FIR in the present case was got registered by the complainant against the present petitioner and other accused.

3. Learned counsel for the petitioner contents that the petitioner has been falsely involved due to political vendetta as the complainant belongs to congress party whereas the accused belongs to Aam Admi Party. He further contends that even from the averments made in the FIR, no offence under Section 306 IPC is made out against the present petitioner. It was highly unbelievable that the petitioner had abetted the suicide of deceased in any manner. Still further learned counsel had placed reliance on the law laid down by the Hon'ble Supreme Court in the matter of **Sanju @ Sanjay Singh Sengar versus State of Madhya Pradesh 2002 (2) RCR (Criminal) 687**, **Gurcharan Singh versus State of Punjab, 2017(1) RCR (Criminal) 118** and **M Arjunam versus State, 2019 (5) RCR (Criminal) 269**, to contend that the essential ingredients of the offence under Section 306 IPC are completely missing in the instant case. Learned counsel further contends that the petitioner was arrested in the present case on 26.03.2023 and is in custody for the last more than 10 months. The final report under

Section 173 Cr.P.C. has already been presented against him and the trial Court may take considerable long time in concluding the trial.

4. On the other hand, learned State Counsel contended that as per the allegations levelled in the FIR, the offence under Section 306 IPC is made out against the petitioner and the petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the case file minutely.

6. In the present case, the petitioner was ordered to be arrested on 26.03.2023 and he is in custody for the last more than 10 months. After completion of the investigation, final report under Section 173 Cr.P.C. has already been presented against him. Still further, the entire prosecution case hinges on the testimonies of the family members of the deceased and the official witnesses. Thus, the petitioner may not be in a position to influence the witnesses of the prosecution.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S. SHEKHAWAT)
JUDGE

01.02.2024
mks

Whether Speaking/Reasoned: YES / NO
Whether Reportable: YES / NO