

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

242

CRM-M-9211-2024

Date of decision : 26.02.2024

Kirpal Singh @ Bheema

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Mr. Jasjit Singh, DAG Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.74 dated 05.11.2023 registered under Section 306 of IPC registered at Police Station Sadiq, District Faridkot.

2 As per the contents of the FIR, it has been alleged as under:-

“Statement of Amandeep Kaur wife of Varinder Singh son of Jaspal Singh resident of Guruharsahya Road, Near Office of Electricity House, Sadiq, aged about 20 years M-9781956087. Stated that I am resident of the above said address and a housewife. My marriage was solemnized with Varinder Singh son of Jaspal Singh about three years back. I am having one son named Mandeep Singh aged about 2 ½ years. My husband’s younger brother my brother-in-law Deedar Singh who is +2 qualified and presently was working along with my husband as a labour. My brother-in-law was having due with Rs.6000/- from Jaspal Singh @ Bittu son of Satpal Singh and Kirpal Singh @ Bheema son of Satpal Singh resident of Bazigar Basti Faridkot. That yesterday on dated 04.11.2023 at about 11:30 A.M. My brother-in-law Deedar Singh has gone on motorcycle to

take the money from them, thereafter Deedar Singh has come back at about 2:30 PM. At that time my family had gone to Jand Sahib Mandi for labour jon and I was along in the house. Deedar Singh was very much disturbed and he has tole me that I had gone to the Bazigar Basti to Jaspal Singh @ Bittu son of Satpal Singh and Kirpal Singh @ Bheema son of Satpal Singh both are brothers, to take my money from their house but they have not given my my Rs.6000/- and after insulting and beating has kicked out of the house. Thereafter, I myself also had gone along with my brother-in-law Deedar Singh on motorcycle to Bazigar Basti to take Rs.6000/- back. Jaspal Singh @ Bitty and Kirpal Singh @ Bheema was present in their house in the Bazigar Basti Faridkot to whom I said, brother, give back our money, then they had not listen to me and after sometime they had started bad language with us and also had given slap to my brother-in-law Deedar Singh. On this, I said to my brother-in-law that they will not give anything to us, we should go from here. Thereafter, I along with my brother-in-law Deedar Singh has come back to our house at Sadiq at about 4:00 PM. Where I was busy in my work and my brother-in-law has gone to his room. Thereafter about 10 min, my brother-in-law has gone to his room. Thereafter about 10 min, my brother-in-law Deedar Singh has told me after coming out of his room that he had taken poison on having harassed by Jaspal Singh @ Bittu and Kirpal Singh @ Bheema and I am feeling some bad. On this I along with my mother-in-law Kuldeep Kaur, who at that time came back, by arranging the vehicle has got admitted Deedar Singh GGSMH Faridkot in emergency ward. During treatment my brother-in-law Deedar Singh had expired. That my brother-in-law Deedar Singh had committed suicide after taking poison being harassed by Jaspal Singh

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3.

@ Bittu and Kirpal Singh @ Bheema resident of Bazigar Basti Faridkot. Legal action may be taken against them. Statement has got recorded in presence of my husband Varinder Singh.”

3. Learned counsel for the petitioner submits that even if the contents of the FIR are taken on its face value, it will be highly debatable as to whether the same would constitute abetment to suicide as defined under Section 306 IPC. The petitioner is behind bars for more than 2 months and 21 days. The co-accused already stands acquitted to bail vide order dated 12.01.2024 passed in CRM-M-541-2024 titled as “**Jaspal Singh @ Bittu Vs. State of Punjab**”. The investigation in the present case already stands concluded.

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

5. Without commenting upon the merits of the case, keeping in view of the period of incarceration suffered by the petitioner and the fact that the investigation already stands concluded, the present petition is allowed. The petitioner is ordered to be released on bail in the present case on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

6. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

26.02.2024
spn

Whether speaking/reasoned	Yes
Whether Reportable :	No