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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10557-2024
Date of decision : 04.03.2024

Bahadar Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. Jaswinder Singh Arora, DAG, Punjab
with ASI Buta Singh.

PANKAJ JAIN, J. (Oral)

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.0203 dated 27.12.2020, registered for the offences punishable under Sections 306 and 34 of IPC, 1860 at Police Station Ghagga, District Patiala.

2. FIR was registered on information supplied by Labh Kaur, wife of late Labh Singh mother of deceased Amritpal Singh, r/o Kheri Nagaia, Police Station Ghagga Distgrict Patiala, who alleged as under:-

“Stated that I am a resident of the above said address and am a housewife. I have three sons and two daughters. All my children are married. My elder son Amritpal Singh son of Labh Singh resident of Kheri Nagaia who was married to Amandeep Kaur daughter of Dev Singh resident of Laddi Tehsil Sangrur District Sangrur for about 4 years. Amandeep Kaur was also earlier married and had two children from her first marriage. Who was

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divorced from first her husband and remarried with my son Amritpal Singh on 05.03.2017. My daughter-in-law Amandeep Kaur was working at Brar Tile Factory situated at Patran for about 06 months and my son Amritpal Singh was also working as laborer (Rajgiri). At about 3/4 months, my son started having doubt on the character of my daughter-in-law Amandeep Kaur. Due to which I and my son made my daughter-in-law Amandeep Kaur understand and asked her to quit her job but she did not listen to us and about this I and my son told my son-in-law Lakhvir Singh son of Nachhattar Singh resident of Kulara, Police Station Sadar Samana. Who also tried to make my daughter-in-law Amandeep Kaur understand, but she did not give up her habits. On enquiry, we came to know that my daughter-in-law Amandeep Kaur had an illicit relationship with Bahadar Singh son of Chhota Singh, resident of Ladbanjara Kalan Police Station Dirba, District Sangrur. We also tried to make Bahadar Singh understand many times but he did not mend his ways, rather he used to say to my son Amritpal Singh that you should do what you have to do. On 05.12.2020, it was my daughter-in-law Amandeep Kaur's birthday, my daughter-in-law Amandeep Kaur had also invited his sister's daughter (niece) Hardeep Kaur alias Sheepu daughter Sukhpal Singh resident of Chhajli Police Station Chhajli District Sangrur. That night we all family members had eaten our meals and went to sleep in our own room. My daughter-in-law Amandeep Kaur and her niece Hardeep Kaur alias Sheepu had slept in separate room. When we woke up at 05:00-AM on 06.12.2020, my daughter-in-law

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Amandeep Kaur and her niece Hardeep Kaur alias Sheepu were missing from the room. We kept looking for them, and on investigation, we found that my daughter-in-law Amandeep Kaur and her niece Hardeep Kaur alias Sheepu had been taken away by the said Bahadar Singh son of Chhota Singh. Fearing this disgrace, my son Amritpal Singh committed suicide yesterday on 26.12.2020 consuming some at around 11:00-AM by consuming some poisonous substance. Who told me that I had poisoned myself because of this attitude of all three of them. We arranged for a vehicle and admitted him to Rajindra Hospital, Patiala for treatment, during which he died.xxxx”

3. Counsel for the petitioner submits that even if the allegations as levelled in the FIR are taken on their face value, the same would not constitute abetment as enumerated under 107 of Penal Code to constitute offence punishable under Section 306 of IPC. Further submits that the investigation stands concluded and challan stands presented, thus there cannot be any apprehension that the petitioner shall tamper with the evidence.

4. Petitioner has clean antecedents. He is behind bars since 01.01.2021 and his custody cannot be allowed to be prolonged as a punitive measure.

5. Counsel for the State does not dispute that the investigation stands concluded and challan stands presented.

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. Trial Court/Duty Magistrate,

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concerned.

7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

04.03.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No