

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42905-2021
Date of Decision:01.02.2024

Naib Singh ...Petitioner

vs.

State of Punjab and Anr. ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

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

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

N.S.Shekhawat J. (Oral)

1. As per the office report, notice issued to respondent No.2 has been received back served, however, there is no representation on behalf of respondent No.2.
2. I have heard learned counsel for the petitioner as well as learned State counsel.
3. The petitioner has filed the present petition under Section 439 (2) Cr.P.C with a prayer to set aside the order dated 08.06.2020 passed by the Court of Additional Sessions Judge, Mansa, whereby the respondent No.2 was ordered to be released on bail.
4. The F.I.R in the present case was got registered by Naib Singh, real brother of Nikka Singh, husband of respondent No.2 (since deceased). As per the complainant, Sukhpreet Kaur was having illicit relations with Satgur Singh. Satgur Singh as well as Laddi Singh used to visit the house of Nikka singh to meet Sukhpreet Kaur in absence of Nikka Singh. The matter was got compromised

by the village community, still the respondent No.2 had hatched a conspiracy with Satgur Singh and Laddi Singh. As per the complainant, on the date of occurrence, the respondent No.2 started saying loudly that Nikka Singh had committed suicide in the *Varanda* by hanging with a garder. The complainant raised the suspicion that his brother had been strangled by respondent No.2 in connivance with Satgur Singh and Laddi Singh and after committing the murder of Nikka Singh, his dead body was hanged in the *Varanda* of the house. With these broad allegations, the FIR in the present case was got registered by the present petitioner.

5. Learned counsel for the petitioner contends that the respondent No.2 was the master mind in the present case and had hatched a conspiracy with her co-accused namely Satgur Singh to eliminate Nikka Singh. However, Satgur Singh is having political connections and was able to manage the deletion of the offence under Section 302 IPC and the offence was converted under Section 306 of IPC. Even while granting the concession of bail, Trial Court had completely overlooked the allegations levelled by the petitioner against respondent No.2.

6. On the other hand learned State counsel on instructions from SI Balbir Singh submits that in the present case, the investigation has already been completed and the challan under Section 306 of IPC has been presented before the competent Court. He further submits that the Trial Court had ordered framing of the charge under Section 306 of IPC and it has been found to be a case of suicide by Nikka Singh, as he was fed up with the illicit relations between Satgur Singh and respondent No.2.

7. After hearing the learned counsel for the parties and on perusal

of the record, I am of the considered opinion that the present petition deserves to be dismissed.

8. Learned counsel for the petitioner has failed to point out any illegality in the impugned order passed by the Court of Additional Sessions Judge, Mansa. The Additional Sessions Judge, Mansa had taken into consideration the fact that respondent No.2 had remained in custody for about 02 months and the challan was already presented before the competent Court. Even detailed reasons have been recorded by the Additional Sessions Judge, Mansa, while granting the concession of bail to respondent No.2. No illegality or perversity is noticed in the impugned order. Even otherwise, the order cancelling the bail of an accused is an harsh order and such order should be passed only in very exceptional circumstances as it involves the question of liberty of an individual. Still further, there is no allegation that respondent No.2 had in any manner tried to influence the witnesses and there are chances of absconding from the process of law.

9. Thus, findings no merits in the present case, the present petition is ordered to be dismissed.

01.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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