



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

CRM-M-22235 of 2024

DATE OF DECISION :- 09.05.2024

Jagraj Singh alias Raj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Mandeep Singh, Advocate
for Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

SUMEET GOEL, 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.04 dated 08.01.2024, registered for the offence punishable under Section 306 of IPC at Police Station Joga, Tehsil and District Mansa, Punjab.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"FIR CONTENTS: Copy of statement, "Statement Gurmel Singh son of Bant Singh son of Harnam Singh resident Namol now resident of Garewal Colony near Upli Fatak Sangrur aged about 60 years mobile number 77194- 47717 stated that I am resident of the above said address and I a laborer. My wife Karamjit Kaur had died 10 years past. I have two children. Elder son Sukhwinder Singh and his younger sister is Mamta Rani whose marriage was arranged by us 7 years ago with Jugraj Singh son of Amarjit Singh resident of Akli and with all of our traditions. At the time of my daughters wedding I have given all of the necessary articles according to my status. After



some time of the marriage Jugraj Singh after taking liquor used to torture my daughter, by which my daughter used to visit my house at Sangrur due to these conditions and after that some responsible persons from the village got back my daughter at village Aklia with their responsibility. My daughter was losing his life day by day after getting beatings from Jugraj Singh. Few days back Jugraj Singh had beaten my daughter and he had told me all the story on phone. Yesterday on dated 07-01-2024 in evening my daughter Mamta Rani that her husband Jugraj Singh have beaten her and have spoken very bad about me. And upon which I said to her that I will come in next morning and we will talk about this. And on time about 09:00 in the evening I received call from Bhagwan Singh who's wife is sarpanch of the village Aklia that Mamta Rani have ended his life by taking gallows. His dead body was sent to Civil Hospital Mansa by making arrangement. Today we reached Civil hospital Mansa and where you met. I got recorded my statement.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 08.01.2024. Learned counsel for the petitioner has further submitted that, in view of the allegations made in the FIR as also in view of the challan (report under Section 173 of Cr.P.C) the offence under Section 306 IPC has not been made out against the petitioner. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgement of Hon'ble Supreme Court in Criminal Appeal No.3578 of 2023 titled as '***Mohit Singhal & Anr. Vs. The State of Uttarkhand & Ors.***', (***Neutral Citation No.2023 INSC1035***); relevant whereof reads as under:-

“9. In the facts of the case, secondly and thirdly in Section 107, will have no application. Hence, the question is whether the appellants instigated the deceased to commit suicide. To attract



the first clause, there must be instigation in some form on the part of the accused to cause the deceased to commit suicide. Hence, the accused must have mens rea to instigate the deceased to commit suicide. The act of instigation must be of such intensity that it is intended to push the deceased to such a position under which he or she has no choice but to commit suicide. Such instigation must be in close proximity to the act of committing suicide.”

In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 08.05.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 08.01.2024 wherein after investigation was carried out and challan stands presented on 29.02.2024. Total 18 prosecution witnesses have been cited and culmination of the trial will take its own time. It is not in dispute that no suicide note has been recovered by the police. The rival contentions of learned counsel for the parties as to whether; Section 306 of IPC is made out in the factual matrix of the present case shall; be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought



forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. The petitioner and the deceased were blessed with two children namely Karanveer Singh (son) aged about 3 years and Navdeep Kaur (daughter) aged about 5 years who are also required to taken care of by the petitioner. As per custody certificate dated 08.05.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 29 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. 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. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.



(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

09.05.2024

P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No