



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

231

CRM-M-24373-2024
Date of decision: July 29th, 2024

Avtar Singh Deol
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. R.K. Girdhar and Mr. Chirag Girdhar, Advocates
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

Mr. Suvir Sidhu, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973, in case FIR No.242 dated 27.07.2023 under Section 306/506 of the IPC registered at Police Station City Tarn Taran.

2. Learned counsel for the petitioner submits that he has been falsely implicated in the FIR in question, which has been annexed as Annexure P-1, as part of an attempt to settle scores due to ongoing civil litigations between the parties. While drawing the attention of this Court to the FIR, it has been further submitted that it clearly reveals that the ingredients required for an offence under Section 306 of the IPC are not present, as there was no instigation made to the deceased that would meet the criteria of Section 306 of the IPC. Furthermore, it has been argued that the deceased shot himself on 25.07.2023, however, even as per the FIR, no specific role or harassment has been attributed to the

petitioner in close proximity to the occurrence in question. Furthermore, it has been asserted that the petitioner's pursuit of legal resource should not be interpreted as an indication of his involvement in abetting the suicide of the deceased.

3. Learned counsel has submitted that the petitioner has now been in custody since 13.04.2024, and the trial is expected to take a considerable amount of time to conclude. Therefore, the petitioner be enlarged on bail as co-accused Raghbir Singh has already been granted interim anticipatory bail by this Court.

4. *Per contra*, learned State counsel has opposed the prayer and submissions made by the counsel opposite, but has not been able to contest the fact that the FIR was registered on 27.07.2023, and the investigation is complete, with the challan already presented. However, it has been submitted that charges are likely to be framed on the next date of hearing. Learned State counsel has further reiterated the allegations levelled in the FIR in question, which is reproduced hereinunder:-

“Statement of Gurmukh Singh son of Kundan Singh resident of Sardar Enclave Tarn Taran, aged about 71 years mobile number 98554 03971. It is stated, I, am the resident of my above mention address and working as a property dealer. I have two sons' and two daughters who are married. The name of my sons is Bikram Singh at Sardar Enclave. My son Bikram Singh is also indulged in the work of selling and purchasing of property, he has two daughters and one son namely Bhupinder Singh alias Rahul aged 20 years. That my grandson Rahul sued to study and also worked with his father and assisted him in his business. From the last year Avtar Singh Deol son of Niranjan Singh resident of Gali tutiya, Noordi Adda Tarn Taran and Raghbir Singh son of Teja Singh resident of

Village Muthiya Tehsil, Patti used to give false complaints against my son Bikram Singh and my grandson Bhupinder Singh regarding some properties and used to trouble them. That wherever we used to cut a colony Avatar Singh Deol came present and used to fight with us. That Avatar Singh Deol and Raghbir Singh used to threaten my son Bikram Singh and grandson Bhupinder Singh that we will shoot you and due to this reason my grandson remained That due to this reason he used to wake up all the night we consolidated him many times that everything will be fine and nothing to worry about. On 23.07.2023 at around 7:00 p.m. my grandson (Bhupinder Singh came back to home and went to his room, all of us were present in the house at that time. I was sitting with my grandson Rahul who started to cry and told me that Avtar Singh Deol, Manjeet Singh and Raghbir Singh are threatening me that we will kill you and your father. I am very afraid, I told my grandson that everthing will be fine and you go to sleep. At around 11:25 p.m. my grandson left home and didn't came back till very late I informed my son Bikram Singh that Rahul has left home and has not returned but in the mean while Rahul returned back. Thereafter he went to his room and went out once again. Thereafter sometime later my son Bikram Singh tried calling Rahul on his phone who didn't answer the call and thereafter we tried to follow him along with my son Bikram Singh and daughter in law Preet followed him and went to the other old house, were we used to live earlier and which is sold by us now but the possession of same is with us. The door of the house was open we entered the house immediately at around 11:40 p.m. we saw Rahul on the bed surrounded with blood who shoot himself in head with a gun. My son Bikram was trembled_on seeing his son and fell on the floor. We checked Bhupinder Singh Rahul and he was breathing and thereafter in a car we took him to the Guru Nanak Dev Hospital Tarn Taran and got him admitted. On 26.07.2023 the doctors referred my grandson Rahul

to Fortis Hospital Mohali. There the treatment of my grandson started at 1 during the day doctors declared him dead in the evening at 4:00. Thereafter we informed the police at police station City Tarn Taran, they came present at Fortis Hospital and collected the dead body of my grandson Rahul from Fortis Hospital and shifted the same to the mortuary of Civil Hospital Tarn Taran. That I was in shock at the night and due to which I could not get my statement recorded to you but today I am present in front of you for further proceedings alongwith my younger son Simranjit Singh and other family members. My grandson was saddened by Avatar Singh Deol and Raghbir Singh who has committed suicide by shooting himself. They have forced my grandson Rahul to death. Strict legal action be taken against them.”

5. I have heard learned counsel for the parties and perused the relevant material on record.
6. The FIR was registered on 27.07.2023 and the petitioner has been in custody since 13.04.2024. The investigation is complete, as challan has already been presented. Despite the prosecution citing 25 witnesses, none have been examined to date, and the charges have also not yet been framed. Consequently, the trial is expected to take a considerable time to conclude. In the facts and circumstances, this Court deems it fit to extend the concession of bail to the petitioner.
7. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

July 29th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No