



CRM-M-33864-2024

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

CRM-M-33864-2024

Date of Decision: 23.07.2024

Sham Sunder

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.Sarju Puri, Advocate, for the petitioner.

Mr.J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.222 dated 17.11.2023, registered under Sections 306, 34 IPC, at Police Station Sadar Faridkot, District Faridkot.

2. Succinctly, facts of the case are that statement of complainant, Paramjit Kaur, was recorded by the Police. It was alleged by the complainant before the Police that she and her husband were working at Avani Textile Factory at village Bhindrawalan, District Sangrur. She alleged that her husband and one Harmandeep Kaur knew each other, however, employees of the factory i.e. Munshi Shyam Sunder (petitioner) and Gurdeep Kaur spread rumours about their illicit relationship. On account of the same, her husband felt humiliation and finally both i.e. her husband and Harmandeep Kaur committed suicide by consuming poison. It was alleged that Munshi Shyam Sunder and Gurdeep Kaur instigated her husband and Harmandeep Kaur to commit suicide. Thus, it was requested to register FIR. On the basis of the said statement, FIR was registered and investigation commenced. During the investigation, a suicide note of Binder Singh deceased was found, which was sent to the FSL. The petitioner was

arrested on 18.11.2023. He approached the Court of learned Sessions Judge,



Faridkot praying for grant of regular bail, however, after hearing both the sides, the Court declined the same vide order dated 14.05.2024. Hence, the petitioner has approached this Court by way of the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently submitted that the petitioner has been falsely implicated in the present case. He submits that the petitioner has been alleged to have instigated both the deceased i.e. Binder Singh and Harmandeep Kaur for committing suicide. He submits that from the bare reading of Section 306 IPC read with Section 107 IPC, the essential ingredients are not even fulfilled for holding the petitioner responsible for the same. He submits that false implication of the petitioner is writ large for another reason that Amarjit Kaur mother of deceased Binder Singh, who has been examined as PW-1, complainant Paramjit Kaur as PW-2, Bhinder Kaur mother of deceased Harmandeep Kaur as PW-3 and Harbans Kaur one neighbour of Harmandeep Kaur as PW-4, all have not supported the case of the prosecution and thus, they have been declared hostile. He submits that thus, the case of the prosecution is virtually without any evidence against the petitioner. He further submits that in these circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that during the investigation, a suicide note was recovered and the same has been sent to FSL. He submits that there are specific allegations of instigation against the petitioner and due to the same, two suicides have been committed in the present case. He submits that in all there are 24 prosecution witnesses and out of which only 4 witnesses have been examined till date. On instructions



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he has submitted that the petitioner has not involved in any other case.

5. Heard.

6. After hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner has been alleged to have instigated the death of the husband of the complainant and one more employee of the factory i.e. Harmandeep Kaur, against whom the petitioner allegedly spread rumours regarding their illicit relationship. Whether offence under Section 306 IPC read with 107 IPC is made out against the petitioner or not, is a subject matter of trial. It is also apparent that the material witnesses have not supported the case of the prosecution. The petitioner is not involved in any other case as submitted by State counsel.

7. This Court would refrain itself from commenting anything on the merits of the case. However, considering the prayer for grant of bail to the petitioner, this Court is of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner.

8. Considering that the trial would take sufficient long time in its conclusion, the present petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

9. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

23.07.2024
sharmila

Whether Speaking/Reasoned
Whether Reportable

(RAJESH BHARDWAJ)
JUDGE

: Yes/No
: Yes/No