

CRM-M-40493-2023

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

(222)

CRM-M-40493-2023

Date of Decision:- 15.02.2024

Manpreet Singh @ Mannu

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Pratap Singh Gill, Advocate for the petitioner.

Mr. Durgesh Garg, AAG, Punjab.

ALOK JAIN, J. (Oral)

1. The present petition has been filed *inter alia* praying for grant of regular bail to the petitioner in case FIR No.55 dated 16.05.2023, under Sections 306 and 34 of the Indian Penal Code, registered at Police Station Gidderbaha, District Shri Muktsar Sahib.

2. Learned counsel for the petitioner after taking through the contents of the FIR submits that the ingredients of Section 306 IPC are not made out against the petitioner and he is in custody for the last more than 8 months. He further submits that the allegations against him are absolutely hearsay. More so, it is a settled principle of law that Section 306 IPC could be invoked only when there is any active or direct act which led the deceased to commit suicide.

3. *Per contra*, learned State counsel has vehemently opposed the grant of concession to the petitioner, who as per the allegation was a paramour of the wife of the deceased and the illicit relationship of the petitioner with the wife of the deceased was the reason which drove the

deceased to take such an extreme step. It is also pointed out that the petitioner had given a mobile phone to the wife of the deceased and the bill of the said mobile phone was recovered from the petitioner.

4. However, learned State counsel could not deny the fact that the petitioner is in custody for 08 months and 25 days and has absolutely clean antecedents and nothing has to be recovered from him.

5. Learned counsel for petitioner has reasserted that the immediate provocation could not be attributed to him, as he was neither present on the spot nor was it a case of sudden provocation and more so, the main accused i.e. the Amandeep Kaur is already in custody.

6. After hearing learned counsel for the parties and without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds and **heavy** surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

7. It is made clear that, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of conditions of bail

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

9. It is further made clear that Court had in clear terms denied the concession to the co-accused Amandeep Kaur @ Amna however, since, the counsel in **CRM-M-47082-2023** has prayed for an adjournment after arguing, therefore, it becomes important to clearly record that this order shall not be used for claiming any parity *qua* the other co-accused.

(ALOK JAIN)
JUDGE

February 15, 2024
parul

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No