



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

239**CRM-M-40259-2024****Date of decision: 23.10.2024****SARBJIT SINGH**

....Petitioner

V/s

STATE OF PUNJAB

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Binat Sharma, Advocate with
Mr. Shivam Joshi, Advocate for the petitioner.

Mr.Amit Rana, Sr.DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.69 dated 12.04.2024 under Sections 306 and 506 of the IPC registered at Police Station Mahilpur, District Hoshiarpur.

2. Learned counsel for the petitioner submits that a perusal of the allegations levelled in the FIR make it abundantly clear that the essential ingredients to attract the mischief of offence under Section 306 of the IPC are clearly amiss in the instant case. As per the allegations levelled in the FIR, the deceased died by suicide on account of the petitioner's illicit relations with the wife of the deceased. It has been contended by the learned counsel that the wife of the deceased and the deceased had strained relations on account of the deceased being a drug addict as a result of which she started residing in a shelter home and also started working in



“Guru Ki Rasoi”. Even as per the post-mortem report of the deceased, it came to the fore that he was addicted to drugs and was HIV positive. Learned counsel further submits that the investigation in the present case is complete as challan stands presented and even charges stand framed on 16.09.2024. Hence, further incarceration of the petitioner would serve no useful purpose moreso when none of the 29 prosecution witnesses have been examined till date. Learned counsel has still further submitted that all the other co-accused including the wife of the petitioner have since been extended the concession of bail by this Court vide order dated 25.07.2024 (Annexure P-9).

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions from ASI Daljeet Singh, has drawn the attention of this Court to the allegations levelled in the FIR in question which stand reproduced herein-under:

*"Statement of Mohan Lal son of Ram Chand son of Rolu Ram, resident of Village Kherar Rawal Bassi Police Station Mahilpur, Tehsil Gharshankar, District Gurdaspur, aged about 67 years, Mobile No.84274- 86213, stated that I am resident of the above said address. My son Jaswinder Singh aged about 31 years who is married with Gurbakash Kaur alias Jassi daughter of Sodi Ram resident of Bhagatapur from the last 12 years who have been blessed with one daughter Shamrit Kaur aged 11 years and son Samarjit Singh aged about 6 years. My daughter in law Gurbakash Kaur alias Jassi works in the kitchen of Guru Ke Rasoi in village Kherar Rawal Basi. As per version of my son Jaswinder Singh, Gurbakash Kaur has illicit relations with **Sarabjit Singh** alias Saba who works in Guru Ki Rasoi. My son has also told me that he had seen his wife and Sarabjit Sabe in (compromising) objectionable condition. On my preventing her Gurbakash Kaur alongwith children started permanently residing in Guru Ki Rasoi. I and my son alongwith members of Panchayat*



*and respectable persons of the village contacted the management committee of Guru Ke Rasoi. The officers and officials of management abused us and respectable persons of our village who accompanied us and threatened that if you dared to come again then they will kill us. Thereafter, the workers of Guru Ki Rasoi and daughter in law Gurbakash Kaur and Sarabjit alias Saba surrounded my son at Bus Stand Kharar and abused me and threatened to kill and also man handled. Immediately on 10.03.2024, I submitted a complaint in Police Station Mahilpur. ASI Balvir Singh was directed to conduct investigation. But the said officer did not take any action or conduct investigation and called us in the police station and insulted us. Since no action was being taken, we submitted an application to worthy Senior Superintendent of Police Hoshiarpur on 02.04.2024 in this regard bearing UID Code No.9907 and application No.327184. Despite making all these efforts, the senior officer could not save the life of my son Jaswinder Singh. My son was frightened and threatened and mentally harassed by his wife Gurbakash Kaur alias Jassi daughter of Sodhi ram resident of Bhagtupur, **Sarabjit Singh** alias Saba son of Jarnail Singh alias Jella, Pamla son of Nachhattar Singh, Kulwant Singh son of Sohan Singh resident of Kharar Rawal Bassi, Beena wife of Sokha resident of Kalewal Fattu, Kulwaran Singh Halwai resident of Panjora, Satpal Singh alias Bhayiya resident of Sarihala Kalan, Makhan Singh uncle of Gurbakash Kaur resident of Bhagtupur, Gurpal Singh alias Pala brother in law of Gurbakash Kaur resident of Singariwal Hoshiarpur etc. and due to threats to kill my son, he ended his life by hanging himself with rope with ceiling fan. Before committing suicide, Jaswinder Singh deceased on phone told that above said persons are responsible for my death. It is requested that appropriate legal action against the above said person be taken and justice may be done. Some of above persons are related with Guru Ke Rasoi Kharar Acchrowal. The video prepared before suicide is enclosed in pen drive.”*

However, learned State counsel, on instructions, has not disputed the stage of trial and the custody period of the petitioner. It has

also not been disputed that the petitioner has no previous criminal antecedents.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. In the facts and circumstances as enumerated hereinabove as the trial would take considerable long time to conclude, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

October 23, 2024
poonam

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

(MANJARI NEHRU KAUL)
JUDGE