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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.46404 of 2024
Date of Decision: 19.11.2024

Amrik Singh and others ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate,
for the petitioners.

Mr. Amandeep Singh, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioners under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
112	29.07.2024	Mukerian, District Hoshiarpur	108 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Adumbrated facts as emanating from the record are that on 29.07.2024, on receipt of an information regarding suicidal death of Sarwan Kumar and his dead body lying in Civil Hospital, Mukerian, a police party rushed to the spot and recorded statement of Balwinder Singh, son of the victim who stated that the petitioners were having

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inimical relations with the victim. Quarrels had taken place between them several times but compromises were got effected. On the day of incident at about 12 PM, the petitioners had quarreled with the victim and had extended beatings to him. The victim had gone to the police station to lodge a complaint. He was very upset due to the act of the petitioners and, therefore, consumed some poisonous substance on the same day at about 2:30 PM. He was taken to hospital but died during the course of treatment. On the basis of his statement, a case under Section 108 of BNS was registered. Investigation proceedings were initiated. The petitioners were arrested on 30.07.2024. Investigation has since been completed.

3. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. The ingredients for commission of offence punishable under Section 108 of BNS are not at all attracted. No material has been collected by the investigating agency to prove that they have abetted suicide by the victim in any manner whatsoever. The trial is likely to take time. Their further detention would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is argued by learned State counsel that the victim being highly disturbed due to his being assaulted by the petitioners had took extreme step of committing suicide. The petitioners had harassed him to such an extent that he was compelled to end his life. The trial may be expedited. As such, it is argued that the petitioners do not deserve to be released on bail.

5. I have heard learned counsel for the petitioners as well as

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learned State counsel at considerable length and have gone through the record.

6. The victim is alleged to have died a suicidal death by consuming some poisonous substance being perturbed by the fact that the petitioners had extended beatings to him on the same day. However, on going through the allegations in the FIR, it is a question of debate as to whether the provisions of committing offence of abetment of suicide are attracted or not? This question has to be decided on thorough assessment and evaluation of evidence to be produced at trial but not at this stage. Investigation in this case has been completed. Challan has been presented. Trial will obviously take time. No useful purpose would be served by detaining the petitioners in custody any more, who are in custody since 30.07.2024. It is well settled proposition of law that bail is the rule and jail is an exception. In view of these facts, I am of the considered opinion that the petitioners deserve to be released on bail. Hence, the petition is allowed and the petitioners are ordered to be admitted to bail subject to their furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

19.11.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No