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

Sr. No.215

**CRM-M-24055-2024(O&M)
Date of decision : 21.05.2025**

Gagandeep Singh @ Goggi

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. G.P.S. Ghuman, Advocate, for the petitioner.

Mr. Luvinder Sofat, Senior DAG, Punjab.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.105 dated 05.04.2024 under Section 306 IPC, registered at Police Station Zirakpur, District SAS Nagar, Mohali (Punjab).

2. The contents of the FIR is reproduced below:-

“Statement of Davinder kaur wife of late Amrik Singh resident of village Dhindsa, Police Station, Moonak district Sangrur aged about 45 years, mob. No. 950xxxxx581 stated that I am a resident of the said address. My son Vicky suffered a lot of injuries due to an accident about 6 months ago, due to which her treatment cost a lot. From my distant relative, Gagandeep Singh @ Goggi son of Sukhvir Singh came to our house and paid Rs. 60,000/- for the treatment of my son. After that, my daughter Gurpreet kaur who is 12th pass, he brought to Zirakpur about 3 month ago to return the money and medication of my son. Gagandeep Singh @ Goggi arranged PG for her in Zirakpur and arranged job for her. Whenever I called my daughter to come home, she used to tell me that I am forced

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and I can't come home. I am aware that Gagandeep has forced my daughter to commit suicide. Yesterday on dated 04.04.2024 my daughter called me and told me that I am forced am and Gagan abused and mistreated him but now he is not picking the phone. After I called him several times but he did not pick up my phone. Finally I called Gagandeep and he said that I have not taken your responsibility and thereafter sent the number of a girl living in the PG. then I called her and talked to one girl she said I will told you within 5 minutes then the girl broke the door and told me that your girl has hanged herself and already called Gagandeep in this regard. Action should be taken against Gagandeep and justice should be given to me. Correct Statement Davinder kaur”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case on the statement of the mother of the deceased. From a bare perusal of the present FIR, it is evident that the allegation against the petitioner are false as the informant herself admitted that the petitioner is her distant relative, who with bonafide intention, and had extended financial help of Rs.60,000/-for the informant's son's treatment and even helped in arranging a rented accommodation for the deceased at Zirakpur. Learned counsel submits that neither was a suicide note of the deceased recovered nor was any dying declaration recorded. It is submitted that there is nothing on record to prove that the petitioner had actively instigated or facilitated the commission of suicide by the deceased, which is an essential ingredient for the invocation of Section 306 IPC. The petitioner has undergone an actual custody of 01 year, 01 month and 14 days and is not involved in any other criminal case.

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4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year, 01 month and 14 days and there is no any other criminal case registered against him. He on instructions from the concerned investigating officer submits that the charges were framed on 16.08.2024 and out of a total of 13 prosecution witnesses, none has been examined till date. He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. On a perusal of the case in hand, it transpires that the petitioner is behind the bar since 06.04.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 13 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in ***“Dataram Singh vs. State of Uttar Pradesh and another”, (2018) 3 SCC 22.***

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7. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

21.05.2025

Ramandeep Singh
Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No