



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

CRM-M-39223-2024

Date of Decision: 18.02.2025

Bhupinder Singh @ Bhinda

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. G.S. Randhawa, Advocate for the petitioner.

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

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present fourth petition praying for granting him regular bail in case FIR No.14 dated 23.02.2022 under Section 306 IPC (Section 201 IPC added lateron) registered at Police Station Mettewal, Police District Amritsar (Rural).

2. As per the facts and circumstances of the case, the FIR in the present case was registered on the statement of deceased Sajan Singh son of Dharam Singh. The statement was recorded by ASI, wherein, deceased Sajan Singh alleged that he was a labourer by profession and he was married seven years ago with Rajni and was blessed with two children. He further alleged that Bhinda son of Kartar Singh (petitioner) used to call his wife repeatedly and hence, he was defamed in the village. Feeling ashamed, he poured petrol on him and set himself on fire, as he could not tolerate the defamation. On the basis of statement of the deceased, FIR was registered and the investigation commenced. The petitioner was arrested on 03.05.2022. He approached the Court of learned Additional Sessions Judge, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail



application filed by the petitioner vide order dated 23.09.2022. Thereafter, the petitioner approached this Court thrice praying for grant of bail, however, all three petitions were dismissed as withdrawn or dismissed as not pressed. Hence, the petitioner has again approached this Court praying for grant of bail by way of filing the present fourth petition.

3. Learned counsel for the petitioner has vehemently submitted that the petitioner has been falsely and frivolously implicated in the present case. He submits that by no stretch of imagination, offence under Section 306 IPC is made out against the petitioner as there is no specific instigation alleged on the part of the petitioner. He submits that the allegations made by the deceased are to the effect that the petitioner used to call his wife, however, no action was taken against the wife of the deceased by the Investigating Agency and it is the petitioner only who has been made a scapegoat. He submits that the petitioner is behind bars since the date of his arrest and thus, has completed incarceration of more than 02 years 09 months. He submits that there is no substantial progress in the trial and hence, his right of speedy trial is blatantly defeated. He submits that the petitioner has no criminal antecedents and thus, in the overall facts and circumstances, he deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the FIR is based on the statement (dying declaration) of the deceased. He submits that the deceased has specifically alleged that the petitioner used to call his wife and hence, he felt ashamed and put himself on fire by pouring petrol. He submits that



complicity of the petitioner is writ large. It is further submitted that out of total 20 prosecution witnesses, 07 witnesses have been examined so far. He has produced on record the custody certificate of the petitioner. He further submits that no ground for grant of regular bail to the petitioner is made out.

5. Heard. It is deciphered from the facts and circumstances of the case that the FIR was registered on the statement of the deceased. The allegations against the petitioner are to the effect that he used to call the wife of deceased repeatedly. Whether offence under Section 306 IPC read with Section 107 IPC is made out or not would lie in the domain of the trial Court. However, this Court would refrain itself from commenting anything on the merits of the case. The custody certificate would show that the petitioner has completed incarceration of 02 years 09 months and 13 days as on 17.02.2025. It further reflects that the petitioner has no criminal antecedent. Out of total 20 prosecution witnesses, 07 witnesses have been examined.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the



satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.02.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No