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

**CRM-M-5320-2025
Date of decision: 08.04.2025**

**PAWANPREET SINGH ALIAS PAWANDEEP SINGH ALIAS PAWAN
...Petitioner(s)**

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R. S. Bains, Senior Advocate with
Mr. Inderpal Singh Deol, Advocate
for the petitioner.

Mr. P. S. Bhandari, AAG, Punjab.

Mr. Navjot Singh, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 483 of the BNSS, 2023 for the grant of regular bail to the petitioner in FIR No.89 dated 16.09.2023, under Section 306 of the IPC, registered at Police Station Garhdiwala, District Hoshiarpur, Punjab.

2. Learned Senior Counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is in custody for 1 year, 6 months and 11 days and charges in the present case were framed by the learned trial Court on 06.01.2024, which is about 1 year and 3 months ago but not even a single prosecution witness has been examined till date. He further submitted



that the complainant, who is the husband of the deceased has rather left India and has gone to Canada and he is not coming forth for deposing before the learned trial Court.

3. Learned Senior Counsel appearing on behalf of the petitioner while referring to the FIR submitted that as per the allegations, the petitioner was in touch with the deceased on Facebook and he was constantly blackmailing the deceased, who was in Canada at the time of death while the petitioner was in India at the same time and on the basis of alleged blackmailing of the deceased by the petitioner, she committed suicide and hanged herself while her stay in Canada. He further submitted that it is a case where firstly the basic ingredients of Section 306 read with Section 107 of the IPC were not fulfilled because no abetment to commit suicide was done by the petitioner. He further submitted that the petitioner and the deceased were Facebook friends and they never met each other in their lives and they were living in separate countries. He further submitted that as per the allegations, there was a video at the time of committing of suicide by the deceased but it was found during investigation that in the aforesaid video there was no voice and it was a silent video and nothing could have been corroborated from the said video and rather on the other hand, vide Annexure P-4, which is a very short suicide note of the deceased, wherein she stated that she is ending her life on her own and nobody is responsible for the same and in this way, even in the suicide note nothing has been attributed to the petitioner.

4. Learned Senior Counsel appearing on behalf of the petitioner also submitted that even the prosecution is not taking any steps to get the



handwriting in the aforesaid suicide note compared from the forensic laboratory and even the original suicide note was also not before the prosecution but only a photocopy of the same was supplied to the prosecution. He also submitted that considering the aforesaid facts and circumstances, whereby the offence lacks the ingredients so contained under Section 306 read with Section 107 of the IPC and the fact that the petitioner is now in custody for 1 year, 6 months and 11 days and more than 1 year has elapsed after the framing of the charges by the learned trial Court that not even a single prosecution witness has been examined, the petitioner may be considered for the grant of regular bail.

5. On the other hand, Mr. P. S. Bhandari, AAG, Punjab submitted on instructions from ASI Kuldip Singh that it is correct that the petitioner is in custody for 1 year, 6 months and 11 days and charges were framed by the learned trial Court on 06.01.2024 but not even a single prosecution witness has been examined till date. Regarding the video which has been so referred to and which was pertaining to the time when death of the deceased had taken place, he also submitted that the video was silent and there was no audio of the aforesaid video.

6. Learned counsel for the complainant has opposed the grant of regular bail to the petitioner on the ground that although both the petitioner and the deceased were Facebook friends but the petitioner had been constantly blackmailing the deceased and had been demanding money from her repeatedly and that was the reason as to why she committed suicide. He further submitted that at the time when the death of the deceased had taken place by committing suicide, even as per the video the petitioner was seen outside the matrimonial



house of the deceased because he had been threatening the deceased that in case money is not sent to him then her niece will be taken away by him and because of the aforesaid threat the deceased committed suicide. He further submitted that one of the prosecution witnesses, who is the uncle of the deceased has been examined partially. He also submitted that since the allegations against the petitioner are serious in nature, he does not deserve the concession of regular bail.

7. I have heard the learned counsels for the parties.

8. It is a case where the petitioner is in custody for 1 year, 6 months and 11 days and as per the learned counsels for the parties, charges were framed by the learned trial Court on 06.01.2024, which is about 1 year and 3 months ago. It has been pointed out by the learned counsel for the petitioner as well as the learned State counsel that not even a single prosecution witness has been examined till date. It has also been brought to the notice of this Court by the learned counsels for the parties that the complainant, who is the husband of the deceased is not residing in India and is residing abroad. It was the case of the learned Senior Counsel for the petitioner that the petitioner and the deceased were only Facebook friends and were residing in different countries i.e. the petitioner was residing in India and the deceased was residing in Canada and they had never met with each other.

9. Although the allegations against the petitioner are serious in nature but considering the aforesaid facts and circumstances of the present case and without making any observation on the merits of the case, this Court is of the view that considering the period of incarceration of the petitioner and the fact



that after the framing of the charges by the learned trial Court on 06.01.2024, which is about 1 year and 3 months ago, not even a single prosecution witness has been examined fully, the petitioner deserves the concession of regular bail.

10. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

08.04.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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