

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

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Crl. Misc. No. M 24703 of 2014

Date of decision: 12.01.2015

Jagmohan Singh

..... Petitioner

Versus

State of Haryana

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. P K Gupta, Advocate
for the petitioner
Mr. Rajesh Gaur, Addl. A G, Haryana

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1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

Jagmohan Singh, accused in FIR No. 477 dated 09.05.2010 registered under Section 302 of the Indian Penal Code in Police Station Panipat City, District Panipat seeks regular bail during pendency of trial.

Counsel for the petitioner, inter alia, contends that the instant FIR was lodged at the behest of Navdeep Kaur widow of Manmohan Singh in regard to occurrence dated 08.05.2010. After investigation, cancellation report was prepared in the year 2011. Later, the proceedings were revived on an application filed by the father of the deceased, who had some property dispute with the petitioner, real brother of the deceased. It is further argued that during course of trial, the material witnesses in the case cited at serial No. 1 to 5 of the list of witnesses namely Navdeep Kaur, Amandeep Singh, Kanwarjeet Singh, Dharamjeet Singh and Harpinder Singh have already been examined and all these witnesses have failed to point an accusing

finger towards the accused. It is further argued that examination of formal witnesses may not prove culpability of the accused much less beyond shadow of reasonable doubt when otherwise, conclusion of trial is likely to take its own time.

Counsel for the State has not disputed factual assertions but opposed the prayer for bail that keeping in view gravity of offence under Section 302 IPC, the petitioner may not be released on bail.

I have heard Counsel for the parties and perused the records.

The material witnesses in the case have already been examined and they turned hostile and were declared as such and did not support the prosecution during their cross examination by the Public Prosecutor. The prosecution has cited a large number of witnesses and formal witnesses are yet to be examined.

In view of the above, but without commenting on merits of the controversy, bail to the petitioner subject to satisfaction of the trial Court. However, he shall remain bound by the following conditions:-

- (i) he 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/her from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without the previous permission of the Court.

(Rekha Mittal)
Judge

12.01.2015
mohan