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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1648-2017
Date of Decision :16.03.2017

SARAJ SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present: Mrs. Satinder Kaur, Advocate
for the petitioner.

Ms. Shivali, AAG, Punjab.

LISA GILL, J. (ORAL)

Prayer is for bail pending trial to the petitioner in FIR No. 17 dated 09.02.2016 registered under Section 376, 506, 120-B IPC and Section 6 of POSCO Act at Police Station Dharamkot, District Moga.

It is submitted that the petitioner has been falsely implicated in this case. Due to the registration of this case the petitioner's father committed suicide on 15.02.2016 in respect to which FIR No.2 dated 15.02.2016 under Section 306 IPC (Annexure P-2) stands registered against the complainant in the present case along with others. It is further submitted that the petitioner and the complainant are in fact neighbours and the above said FIR was registered on the basis of a misunderstanding between the parties. Subsequently the misunderstanding between the parties has been cleared.

The petitioner is in custody since 15.09.2016. The final report/challan under Section 173 Cr.P.C. has already been presented. It is

submitted that CRM-M No.35518 of 2016 has been filed before this Court for quashing of the FIR no.17 dated 09.02.2016 against the petitioner after resolving the misunderstanding between the parties. CRM-M-39983-2016 has been filed by the complainant-Balwinder Kaur and others seeking quashing of FIR No.2 dated 15.02.2016 under Section 306. The said petitions are stated to be pending before this Court. It is thus prayed that this petition be allowed.

Learned counsel for the State on instructions from ASI Kewal Singh, Police Station Dharamkot affirms that the final report under Section 173 Cr.P.C. has since been presented. The pendency of the above said petitions is not denied. However, the maintainability of the said petitions is a separate debatable point.

There are no allegations on behalf of the State that petitioner is likely to abscond or dissuade the witnesses from deposing true facts before the trial Court, if released on bail. No useful purpose shall be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trial subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of learned trial Court.

(LISA GILL)
JUDGE

March 16, 2017

Sunil Devi

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