

In the High Court of Punjab and Haryana at Chandigarh

CRM -M-32574 of 2016

Date of Decision: 16.2.2017

Ram Singh

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Mr. H.S.Dhandi, Advocate
for the petitioner**

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 223 dated 30.8.2015 registered at police Station, Patran, District Patiala for offence punishable under Sections 363, 366-A, 120-B of the Indian Penal Code (in short "IPC") (offence under Sections 302, 201, 120-B IPC added later).

Notice of motion.

Mr. Ankur Jain, AAG, Punjab accepts notice on behalf of the respondent-State.

Counsel for the petitioners has submitted that the instant FIR was initially registered at the behest of Sukhdev Singh, father of the alleged kidnapped girl that Baljit Kaur his daughter had been abducted by Gurjant Singh and Rajbir Singh on the pretext of marriage and they had illicit relations with Baljit Kaur. Later, during course of investigation, Poonam Rani, sister of Baljit Kaur got recorded her version taken note of by way of

DDR levelling allegations against Sukhdev Singh her father, Kamla Devi and several other family members on the premise that Sukhdev Singh had illicit relations with Kamla Devi and they in connivance with other family members, murdered Baljit Kaur. In view of the facts revealed by Poonam Rani, some of the persons were arrayed as accused but name of the petitioner was kept in column No. 2 of the challan presented in the Court. The present petitioner has been summoned under Section 319 of the Code of Criminal Procedure (in short "Cr.P.C.") on the basis of statement of Poonam Rani recorded in the court wherein the only role attributed to the present petitioner is that the petitioner had a talk with her (Poonam Rani) husband Narinder Singh on phone whereby he had asked Narinder Singh to compromise the matter and take an appropriate share in the pension and one acre of land for not raising the issue with regard to Baljit Kaur. It is further submitted that all other persons arrayed as accused in this case have already been released on bail by this Court. The last submission made by counsel is that the petitioner is in custody since 20.7.2016 and he is ready to face proceedings, in accordance with law.

Counsel for the State has not disputed factual assertions but opposed the prayer for bail with the submission that after summoning of additional accused, all the witnesses are to be examined afresh.

I have heard counsel for the parties, perused the paper book and the police records.

Be that as it may, the petitioner was neither named in the original FIR lodged by Sukhdev Singh nor was challaned on the basis of version brought forth by Poonam Rani, sister of deceased Baljit Kaur. He has been summoned under Section 319 Cr.P.C. on the basis of allegations

pointed out by counsel for the petitioner. All other accused in the case have already been released on bail and conclusion of trial is likely to take its own time.

Keeping in view the principle of parity coupled with the factum that the trial may take long time to be concluded, without commenting upon merits of the case, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court. However, he shall abide by the following conditions:-

- (i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the investigating Officer/Court; and
- (ii) He shall not leave the limits of this country without prior permission of the Court.

Petition stands disposed of.

(Rekha Mittal)
Judge

16.2.2017

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No