

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

(1)

**Crl. Misc. No.M-36283 of 2017 (O&M)
Date of Decision: October 03, 2017.**

Jagjit Singh @ Jagga

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

(2)

Crl. Misc. No.M-33761 of 2017 (O&M)

Trilochan Singh

.....PETITIONER(s).

VERSUS

State of Punjab

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner (s).

Mr. C.L. Pawar, Senior D.A.G., Punjab.

Mr. Bhavyadeep Walia, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

Both these petitions have been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.105 dated 10.05.2017 registered for the offences punishable under Section 306 read with Section 34 of Indian Penal Code, at Police Station

Nathana, District Bathinda.

Heard.

Notice of motion in CRM-M-36283-2017.

On asking of the court, Mr. C.L. Pawar, Senior DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of both the petitions has already been received and record of the case is available with him.

In CRM-M-33761-2017, notice of motion has already been issued, wherein Mr. Bhavyadeep Walia, Advocate has also put in appearance on behalf of complainant.

Jaswant Singh, father of complainant committed suicide and left behind suicide note blaming petitioners for his plight. As per the complainant, Jaswant Singh was owner of 22 marlas of land, which was acquired by *Mandikaran Board* for setting up grain market. At the time of getting compensation, it transpired that cheque had been issued in the name of Maghar Singh, whose name has been transposed in place of Jaswant Singh by way of *Fard Badar* in the year 2013. In the suicide note, deceased had levelled allegations that his compensation amount has been embezzled by the petitioners and one Raja Singh son of Harnek Singh.

Learned counsel for the petitioners has submitted that firstly the matter of compensation does not fall within the domain of *Patwari*. Trilochan Singh petitioner is alleged to be private clerk of petitioner Jagjit Singh, *Patwari*. If the deceased had any grievance against any entry in the revenue record, he was having remedy before the Land Acquisition Collector or before the Civil Court. Even otherwise, the allegations are that

payment was made to one Maghar Singh and there was no misappropriation of the compensation amount.

Petitioner Trilochan was arrested in this case on 15.05.2017 while petitioner Jagjit Singh was arrested on 18.05.2017. The allegations against them are based on documents.

Keeping in view the period of incarceration of the petitioners, facts of the case and that the conclusion of trial will take considerable long time, both the petitions are allowed. Petitioners Jagjit Singh @ Jagga and Trilochan Singh are ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioners shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioners shall stand withdrawn. The trial Court shall be competent to cancel their bail bonds and surety bonds and proceed to procure their presence in accordance with law. In that eventuality the petitioners shall have to apply for bail afresh.
- c. They shall not leave the country without the prior permission of the Court.

October 03, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***