

**In the High Court of Punjab and Haryana
at Chandigarh**

-.-

CRM M 43297 of 2016
Date of Decision: 05.05.2017

Satnam Singh

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. Nikhil Bhatia, Advocate
for the petitioner

Ms Shivali, AAG, Punjab

-.-

Rekha Mittal, J.

The petitioner prays for grant of regular bail in FIR No. 133 dated 15.08.2016 for offence punishable under Section 306 read with Section 34 of the Indian Penal Code (in short, IPC) registered with Police Station Bhagapurana, District Moga

Counsel for the petitioner has submitted that on completion of challan, charge has been framed and case is pending for evidence of the prosecution. The complainant has not appeared before the trial Court despite assurance by the State in the order recorded by this Court that the complainant would be produced before the Court, with an intent to prolong incarceration of the petitioner who is in

custody since lodging of the FIR. It is further submitted that except the allegations raised by the complainant, there is no evidence collected during investigation that the petitioner had any relation with the deceased, daughter of the complainant. Another submission made by counsel is that even if it is accepted that the petitioner had relation with the deceased and eventually refused to perform marriage with her, it would be a moot point if such an act on the part of the petitioner can constitute abetment defined in Section 107 IPC. The last submission made by counsel is that the petitioner is ready to face proceedings without any default.

Counsel for the State would submit that the complainant was served in the case but failed to cause appearance for his examination. His presence is ordered to be secured by issuance of warrants by the Court below. However, she has opposed the prayer for bail with the submission that in view of gravity of allegations, the petitioner does not deserve to be enlarged on bail.

I have heard counsel for the parties and perused the paper book particularly the allegations raised by father of the victim.

Concededly, the petitioner is in judicial custody and his presence is required for the purpose of facing trial. The deceased has not left behind any suicide note indicting the petitioner. The complainant is not coming forward to record his statement before the Court. There is no allegation against the petitioner that he is likely to

abscond in case enlarged on bail.

In view of the above, without meaning to express any opinion on merits of the case, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide 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 from disclosing such facts to the Court or to any police officer; and
- (ii) he shall not leave India without previous permission of the Court.

(Rekha Mittal)
Judge

May 05, 2017
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No
