

Criminal Misc. M- No. 9261 of 2017 (O&M)

Date of decision : July 05, 2017

Swarn Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Sahil Puri, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 81 dated 27.08.2014 registered under Section 306 IPC at Police Station Bholath, District Kapurthala.

It is submitted that the petitioner, who is none other but the father of the deceased, has been falsely implicated in this case due to ulterior motives. This matter was thoroughly inquired by the Deputy Superintendent of Police, Sub Division Bholath and as per report dated 01.01.2016, it was found that allegations against the petitioner were incorrect. The petitioner sought voluntary retirement in 2008 after serving the Central Reserve Police Force (CRPF). The petitioner and his first wife (mother of the deceased) proceeded to America in 2010 leaving their daughter with her grand mother at village Peer Bakshwala. The petitioner's first wife died in an accident after a short while. The petitioner used to send money to the deceased from abroad. The said money was handed over by the deceased to her uncle (Masar). The petitioner remarried with the co-accused (Kuljeet Kaur) in March 2014. The petitioner sought an account of

the money handed over to his brother-in-law. Certain discussions had taken place on 26.08.2014. The deceased feared that in case money was not returned by the petitioner's brother-in-law, she might be held accountable and she may be questioned regarding the same. A bare reading of the FIR reveals that the ingredients of Section 306 IPC are not present in this case. No incident, as alleged by the complainant, who is a cousin of the deceased, took place. It was, thus, recommended that a cancellation report be prepared. The petitioner has wrongly been proceeded against. The co-accused Kuljeet Kaur has been granted the concession of anticipatory bail by this Court on 11.05.2017 in CRM-M No. 45558 of 2016. The petitioner is not involved in any other case. It is, thus, prayed that this petition be allowed.

Learned counsel for the State opposes this petition. However, on instructions from HC Ravinder Singh, Police Station Bholath, District Kapurthala it is affirmed that the final report/challan under Section 173 Cr.P.C. has since been presented. Charge against the petitioner has been framed. No recovery is to be effected from the petitioner, who is verified to be not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail. Trial in this case is not likely to conclude in the near future.

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

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

July 05, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No