

CRM-M-2402-2018

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

CRM-M-2402-2018

Date of Decision: 20th April, 2018

Jaswant Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Sartej Singh Narula, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.51, dated 30.06.2017, registered at Police Station Bhindisaidan, District Amritsar, under Section 306 read with Section 34 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that as per the alleged suicide note of Havaladar Gurnam Singh, some land of the deceased has been transferred by the petitioner in the name of wife of co-accused Kewal Singh. He contends that further allegation is that the ornaments of the father-in-law has also been sold. The deceased have been abused and beaten up. He contends that there is no evidence connecting the petitioner with the commission of the said offence. Petitioner is in custody since 02.07.2017. After the presentation of the challan, charges have been

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framed on 31.03.2018 but till date, no prosecution witness has been examined. Counsel states that the trial is not likely to conclude in near future and further incarceration of the petitioner is of no benefit for the prosecution. He, therefore, prays for grant of benefit of regular bail to the petitioner during the pendency of the trial.

Counsel for the State, on instructions from ASI Tejinder Singh, P.S. Bhindisaidan, District Amritsar, could not dispute the factual aspects, however, he states that there are specific allegations against the petitioner in the suicide note for having taken the extreme step and therefore, the petitioner may not be granted the concession of regular bail.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that the petitioner is in custody since the date of his arrest i.e. 02.07.2017 and the trial is not likely to conclude in near future as no prosecution witness has been examined till date, his further incarceration would be of no benefit. Therefore, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court concerned.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

(AUGUSTINE GEORGE MASIH)
JUDGE

20th April, 2018
Harish

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No