

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30315-2018
Date of Decision: 10.12.2018

Major Chand

...Petitioner

vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Vipin Mahajan, Advocate, for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

RAJ SHEKHAR ATTRI, J

The present petition has been filed under Section 439 Code of Criminal Procedure (in short, "Cr.P.C".) for grant of regular bail to the petitioner in case FIR No. 32 dated 08.04.2018 registered for the offences punishable under Sections 306/34 of Indian Penal Code (for short, "IPC") at Police Station Kalanaur, District Gurdaspur, Punjab.

Learned counsel for petitioner submits that Lovepreet Singh has died by consuming poisonous substance. He further submits that the FIR was lodged by his brother-Sabpreet Chand on the allegations that wife of deceased, namely, Jeeta Devi, has illicit relation with petitioner-Major Chand.

Learned counsel for the petitioner further submits that the petitioner was in judicial custody since 10.04.2018. He further submits that one prosecution witness has been examined and co-accused of the petitioner, namely, Jeeta Devi has been granted bail, vide order dated 23.10.2018 passed by the Additional Sessions Judge, Gurdaspur.

Counsel for the petitioner has further placed reliance upon the judgment rendered by Hon'ble Supreme Court in **K.V.Prakash Babu vs. State of Karnataka, 2017 (1) R.C.R (Criminal) 60.**

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Learned State counsel has not disputed the factual position.

Heard.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Major Chand is ordered to be released on bail on furnishing bail bond and surety bond to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate subject to following terms:-

- (a) The petitioner 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- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

10.12.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

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