

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

CRM-M-40777-2018

Date of decision: 20.11.2018

Surinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

Mr. K.S. Rana, Advocate, for
Mr. J.S. Brar, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.60 dated 04.07.2018 under Section 306 IPC and Section 304-B IPC has been added later on, registered at Police Station Cantt. Bathinda, District Bathinda.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner herein has been in custody since 04.07.2018. It is contended that the only allegation set out in the FIR is that the deceased Rajvir Kaur committed suicide on account of being fed up with her in-laws, as they wanted to sell joint land in order to send family members to a foreign country. It is argued that the matter has been investigated, challan

has been presented, charges have been framed and the trial is likely to take some time. In this background, he prays for grant of bail to the petitioner.

Learned counsel for the complainant opposes the grant of bail by contending that the petitioner herein, who is the husband, and other members were continuously harassing the deceased while also arguing that there was a demand of dowry as well.

Mr. R.S. Khaira, learned AAG, Punjab appearing on behalf of the respondent-State opposes the grant of regular bail on the similar grounds.

I have heard learned counsel for the parties.

In view of the fact that the petitioner herein has been incarcerated since 04.7.2018; the matter has been investigated; challan has been presented; charges have been framed, and the trial is likely to take some time to conclude, the present petition is allowed. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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

accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

However, before parting with this order, this Court to place on record the displeasure with the Investigating Officer, Head Constable, Charanjeet Singh, Belt No. 1123, Police Station Cantt. Bathinda, who has come to Court, has offered no assistance whatsoever. He is unaware about the fact that the charges have been framed and he is not in a position to inform the Court as to the next date of hearing. An Investigating Officer is not supposed to be present in Court merely to hold and carry file back and forth. Let this matter be placed before the SSP, concerned.

20.11.2018

Satyawan

Whether speaking/reasoned

Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes.

No.