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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.33663 of 2020 (O&M)
Decided on: 03.11.2020

Monika

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Vikas Bishnoi, Advocate
for Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. S.P.S. Tinna, Addl. A.G., Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.167 dated 21.08.2019 registered under Sections 307/34 IPC at Police Station Chattiwind, Amritsar.

Counsel for the petitioner submits that the petitioner – Monika aged about 25 years is not involved in any other case and relies upon the order dated 23.06.2020 passed in CRM-M No.14250 of 2020.

The operative part of the said order is reproduced as under:-

“Counsel for the petitioner has argued that as per the allegations in the FIR, registered on the statement of one Charanjit Kaur, it is stated that Monika is having illicit relationship with the petitioner – Vikramjit Singh @ Vicky and they used to visit the house of her grandmother – Balbir Kaur. On 21.08.2019, Monika and the petitioner – Vikramjit Singh @ Vicky had given injuries on the head of her grandmother – Balbir Kaur.

Counsel for the petitioner has further argued that

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the investigation is complete and the injured Balbir Kaur, while appearing as PW1 has not supported the prosecution version and has stated that no one has injured her and even further stated that Monika is not having any relationship with any other person. She even stated that the accused persons present in the Court are not the persons who have inflicted injuries upon her and she slipped from staircase. This witness was declared hostile and during the cross-examination by the Public Prosecutor, she even denied the fact that the police has recorded her statement that her grand-daughter Monika had any relationship with the petitioner – Vikramjit Singh @ Vicky.

Counsel for the petitioner has also submitted that in view of the aforesaid facts, there is no possibility for the petitioner to tamper with the prosecution evidence and the petitioner is in custody since 22.08.2019 and the conclusion of the trial will take some time.

Counsel for the State has also not disputed the fact that PW1 – Balbir Kaur/injured witness has not supported the prosecution version, however, she submits that there are some other witnesses, which are yet to be examined.

Without commenting anything on merits of the case, considering the fact that the petitioner is in custody since 22.08.2019; the injured witness has already been examined; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it is made clear that in case the petitioner is found involved threatening any of the remaining prosecution witnesses or tried to influence them, in any

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manner then, it will be open for the prosecution to apply for cancellation of bail of the petitioner.”

Counsel for the State has not disputed the factual position and the fact that the petitioner, as per the Custody Certificate, is in custody for the last 01 year, 02 months and 10 days and the conclusion of the trial will take some time.

After hearing the counsel for the parties, considering the fact that the petitioner is in custody for the last 01 year, 02 months and 10 days and the co-accused of the petitioner namely Vikramjit Singh @ Vicky has already been granted the concession of bail, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

03.11.2020

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No