

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

CRM-M-50509-2019 (O&M)

Date of decision : 22.09.2020

Baljinder Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Shivender Pal Singh, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0136 dated 04.08.2019 under Sections 307 and 34 of the Indian Penal Code, 1860 registered at Police Station Bhogpur, Jalandhar Rural (Punjab).

On 22.07.2020, the following order was passed:-

Prayer in this petition is for grant of regular bail in FIR No.136 dated 04.08.2019 under Sections 307, 34 IPC, registered at Police Station Bhogpur, Jalandhar Rural.

Learned counsel for the petitioner submits that as per allegations in the FIR, wife of the petitioner caught hold of complainant Amarjit Kaur and the petitioner administered

some poisonous substance in her mouth. It is further submitted that he has instructions to say that the petitioner will vacate the premises, where he, along with his wife, is residing.

Learned State counsel has, however, opposed the prayer on the ground that wife of the petitioner already stands declared as proclaimed offender.

Considering the fact that investigation is complete and the petitioner is in custody since 05.08.2019, he is directed to be released on interim bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

This will, however, be subject to the condition that the petitioner and his wife shall vacate house of the complainant within a period of one month from the date of release of the petitioner.

It is made clear that bail is conditional subject to the aforesaid condition and if on the next date of hearing, the petitioner failed to vacate the house, where the complainant, who is an old lady, is residing, this interim bail shall stand dismissed.

List again on 22.09.2020.

Learned counsel for the petitioner today has stated that the petitioner has since complied with the order dated 22.07.2020 and he has vacated the premises and vacant possession of the house has been handed over to the complainant in the presence of the members of the Panchayat.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, on instructions from ASI Paramjit, has stated that the petitioner has since complied with the order dated 22.07.2020 and vacated the house of the complainant as directed by this Court.

In view of the above and without commenting on the merits of the case, the order dated 22.07.2020 is made absolute.

However, the prosecution will always be at liberty to get the bail cancelled in case the petitioner is found to be misusing the concession of bail in any manner.

22.09.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO