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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.35398 of 2020 (O&M)

Decided on: 18.01.2021

Naresh Kumar @ Aman

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. P.S. Ahluwalia, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. G.S. Nahel, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.23 dated 08.02.2020, for offence punishable under Section 306 of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Dhuri, District Sangrur.

Counsel for the petitioner has argued that the FIR was registered on the statement of the complainant Buggar Singh, regarding the death of his daughter Harshdeep Kaur. It is further stated that at the first instance, there was no such allegation that the deceased has committed suicide as no suicide note was recovered. It is also submitted that thereafter, after a gap of about 24 days, the complainant made a statement under Section 161 Cr.P.C. levelling the allegations regarding the suicide and the FIR has been registered. It is further argued that now the matter has been compromised and the complainant as well as his wife Swaranjit Kaur, have sworn an affidavit (Annexures P-4 and

CASE HEARD THROUGH VIDEO CONFERENCING

P-5).

On 09.11.2020, the State was directed to verify the authenticity of the aforesaid two affidavits.

Reply by way of affidavit of the Deputy Superintendent of Police, Sub-Division Dhuri, District Sangrur, filed in the Court is taken on record and as per the reply, in para 5, it is stated that after recording the statement of Buggar Singh and Swaranjit Kaur, it is verified that both the affidavits are correct and genuine.

Counsel for the complainant has also acknowledged the factum of compromise between the parties.

Without commenting anything on merits of the case, considering the fact that compromise has been arrived at the between the parties; the petitioner is in custody since 25.08.2020; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, 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 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

18.01.2021

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Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No