

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-1956-2021

Decided on : 15.07.2022

Lovepreet Singh @ Harpreet Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 57 dated 24.10.2020 under Section 304 of the Indian Penal Code, 1860 (Sections 406 and 120-B IPC added later on) registered at Police Station Arif Ke, District Ferozepur.

Learned counsel for the petitioner has submitted that in the present case, even as per the FIR, which has been got registered by the grand mother of the deceased child, it has been stated by the complainant that it is the mother of the child who had to feed the child and on account of her negligence, the grand child of the complainant has died. It is further submitted that the petitioner could not be held responsible for the death of the minor child as he had no responsibility towards the child. It is argued that the mother of the child namely Geeta was being maltreated by her in-laws and thus, she used to remain unhappy and had developed relationship

with the present petitioner and since the present petitioner was in love with her, therefore they had eloped. It is further argued that the petitioner was arrested on 08.11.2020 and thereafter, released on 27.05.2021 and was again arrested 02.03.2022 and since then, he has been in custody and there are as many as 15 prosecution witnesses, none of whom have been examined and thus, the trial is likely to take time. It is also submitted that the petitioner is not involved in any other case.

Learned State counsel has opposed the present application for regular bail and has submitted that the petitioner had illicit relationship with Geeta on account of which, they have eloped and Geeta was not taking care of the minor child and it is on account of the same that the child had died. It is further submitted that the petitioner had also committed acts so as to bring the case under Section 304 IPC. Learned State counsel has also placed on record the custody certificate of the petitioner as per which the petitioner has been in actual custody for the last 10 months and 29 days and the fact that the petitioner is not involved in any other case, stands reaffirmed. It is also submitted that the petitioner has been implicated on the basis of the statement dated 08.11.2020 of the grand father of the minor child who had stated that the petitioner had the knowledge that Geeta had a minor child.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner has been in actual custody for a period of 10 months and 29 days and there are as many as 15 witnesses, none of whom

have been examined, thus, the trial is likely to take time. The petitioner is not involved in any other case. The minor child of Geeta is alleged to have died on account of the negligence of the said Geeta for having not given the child the required feed. The allegation against the present petitioner is that the petitioner had eloped with the said Geeta and thus, he is also responsible. The question as to whether the offence under Section 304 IPC is made out against the petitioner or not, will be finally adjudicated during the course of trial.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

It is made clear, in case, the petitioner threatens or influences any witness, it would be open to the State to move an application for cancellation of the present regular bail granted to the petitioner.

(VIKAS BAHL)
JUDGE

July 15th, 2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No