

CRM-15444-2022 IN/AND
CRM-M-3340-2022 (O&M)

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227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-15444-2022 IN/AND
CRM-M-3340-2022 (O&M)
Date of Decision:13.05.2022

KARAMJIT SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Brar, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

* * *

VIVEK PURI, J. (ORAL)

CRM-15444-2022

This is an application for placing on record the final report under Section 173 Cr.P.C. as well as the supplementary report. The same are allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 81 dated 21.08.2013 under Sections 304-B/34 of IPC registered at Police Station Nihal Singh Wala, District Moga.

Briefly, the version of the prosecution is to the effect that the

marriage of Kulwinder Kaur, deceased was solemnized with Sarabjit Singh,

the brother of the petitioner about 3-4 years prior to the occurrence. The petitioner is the brother-in-law of the deceased. The petitioner along with the husband, father-in-law and mother-in-law of the deceased had been harassing the deceased and raising the demand of car. On 20.08.2013 the deceased died as a result of drowning.

Learned counsel for the petitioner contends that at the earlier instance the challan was presented against Sarabjit Singh, the brother and Hakam Singh, the father of the petitioner. The name of the petitioner and his mother Manjit Kaur was reflected in column No. 2 of the report under Section 173 Cr.P.C. Sarabjit Singh, the brother of the petitioner was convicted and Hakam Singh, the father of the petitioner was acquitted vide judgment dated 26.11.2015. Sarabjit Singh has been sentenced to undergo rigorous imprisonment for a period of 7 years for having committed offence under Section 304B IPC. The petitioner remained under bonafide belief that he has been found to be innocent during the course of investigation. It has been pointed out that even in the judgment of the trial Court also it has been mentioned in paragraph 3 that during the course of investigation that the petitioner has been found innocent.

The bail application has been resisted mainly on the score that the petitioner was declared proclaimed offender in terms of the order dated 05.08.2014.

It is significant to note that the allegations imputed against the petitioner are more or less at par with that of his father who has been acquitted by the trial Court. The custody certificate indicates that the petitioner is in custody for a period of 10 months and 17 days and is not

involved in any other case. Although he has been declared proclaimed offender but he has undergone sufficient incarceration for the lapse on his part. The criminal liability of the petitioner is to be adjudicated during the course of trial. The investigation of the case is complete and supplementary challan has been presented against the petitioner. The conclusion of trial is likely to take some time as no witness has been examined so far and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

13.05.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No