

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(230)

**CRM-M-50755-2022
Date of decision: - 21.11.2022**

Varinder Kumar @ Veeru

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. K.B.S Mann, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a first petition under Section 439 Cr.P.C. to grant regular bail to the petitioner in FIR No.203 dated 21.08.2022, registered under Sections 306 and 506 IPC, at Police Station City Sri Muktsar Sabhib, District Sri Muktsar Sahib.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 21.08.2022 and the investigation is complete and the challan has been presented and there are total 11 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time. It is further submitted that in the present case, there is no suicide note and co-accused of the petitioner, namely, Lachhman

Singh, who is similarly placed as the present petitioner, has already been granted the concession of anticipatory bail by this Court, vide order dated 11.10.2022 passed in CRM-M-43270-2022. It is also submitted that the complainant and the deceased had approached the petitioner in order to get information with respect to the whereabouts of daughter of the complainant namely, Rekha, who, as per the case of the complainant, had run away with a boy, whose maternal uncle is the present petitioner. It is submitted that because the petitioner did not help in finding out the whereabouts of the girl and the boy, he has been falsely implicated in the present case. It is argued that at any rate, offence under Section 306 IPC prima facie is not made out from a reading of the present FIR. Reliance has been placed upon a judgment passed by a Coordinate Bench of this Court in **State of Punjab Vs. Kamaljit Kaur @ Bholi and another** reported as **2008(2) RCR (Criminal) 562**, in support of the arguments of the petitioner.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner is involved in one more case and thus, does not deserve the concession of regular bail.

Learned counsel for the petitioner, in rebuttal, has relied upon the judgment of Hon'ble Supreme Court in “**Maulana Mohd. Amir Rashadi Vs. State of U.P. and another**”, reported as **2012 (2) SCC 382** to contend that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the

petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases. The relevant portion of the said judgment is reproduced hereinbelow:-

“As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.”

This Court has heard learned counsel for the parties and has gone through the paper-book.

Keeping in view the above said facts and circumstances, more so, the fact that the petitioner has been in custody since 21.08.2022 and the investigation is complete and the challan has been presented and there are total 11 prosecution witnesses, none of whom have been examined, thus, the trial is likely to take time and also the fact that there is no suicide note in the present case and co-accused of the petitioner, namely, Lachhman Singh, who is similarly placed as the present petitioner, has already been granted the concession of anticipatory bail by this Court, vide order dated 11.10.2022 passed in CRM-M-43270-2022 and also in view of the law laid down by a Co-ordinate Bench of this Court in **Kamaljit Kaur @ Bholi's case (supra)**, 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, it is made clear that in case, any act is done by the petitioner to threaten or influence the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

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 petition.

November 21, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No