

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-51365-2022

Date of decision: - 02.12.2022

Rajbir Singh alias Raju Shahi Committee Wala

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. G.S. Bajwa, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.219 dated 01.09.2021, under Sections 306 and 34 of the Indian Penal Code, 1860 (Section 34 IPC has been deleted later on), registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner has submitted that the petitioner has been in custody since 03.08.2022 and the investigation is complete and the challan has been presented and there are 20 witnesses, out of whom, none have been examined, thus, the trial is likely to take time and that the petitioner is not involved in any other case. It is further submitted that in the present case, deceased Deepak Jit Arora had

committed suicide and as per the case of the prosecution, he had left a suicide note in which he has stated that for a period of eight years, he had been paying Rs.6,00,00/- to a committee, which was run by the petitioner and one Bittu and since they were not returning the money back to Deepak Jit Arora in spite of his asking for the same repeatedly, he committed suicide. It is also submitted that even in case the allegations made in the FIR are taken on face value, no offence under Section 306 IPC is made out.

Learned State counsel on the other hand has opposed the present petition for regular bail and has submitted that since it was the petitioner and his boss, who were not returning the money to said Deepak Jit Arora, therefore he committed suicide and thus, the petitioner does not deserve the concession of regular bail.

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

The petitioner is in custody since 03.08.2022 and the investigation is complete and the challan has been presented and there are 20 witnesses, out of whom, none have been examined, thus, the trial is likely to take time and the petitioner is stated to be not involved in any other case. The question whether on the basis of above-said facts and circumstances, offence under Section 306 IPC is made out or not, would be finally adjudicated during the course of the trial and no useful purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the above said 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, 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.

December 02, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No