

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225

CRM-M-282-2023 (O&M)
Date of decision: 23.02.2023

JAGTAR

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. Kamalpreet Bawa, AAG Punjab.

AMAN CHAUDHARY. J.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.91 dated 04.12.2022, under Sections 306, 34 of IPC, registered at Police Station Patara, Police District Jalandhar Rural, District Jalandhar.

Learned counsel contends that the petitioner is in custody since 02.12.2022. As per the FIR, the deceased Rohit, aged 19 years had allegedly eloped with Simran, aged 40 years, wife of co-accused Sukha Singh. The allegation is that the petitioner along with husband of deceased Simran and one more person were searching for them and that the said deceased was threatened by them during that period. He further submits that the aforesaid fact does not fall within the definition of abetment as defined under Section 107 of Indian Penal Code, so as to constitute the offence under Section 306 IPC. The petitioner is not involved in any other case. He is roped in this case only on account of the fact

that he is cousin of co-accused Sukha Singh, who is husband of the deceased Simran. Challan has been presented in this case, however, charges have not yet been framed. In all, there are 13 prosecution witnesses.

Learned State counsel has produced the custody certificate dated 22.02.2023, which is taken on record, as per the same the custody of the petitioner is 2 months and 18 days. He opposes the bail on the ground that the petitioner is alleged to have threatened the deceased on account of which, they committed suicide. However, he is unable to controvert the submissions made by learned counsel for the petitioner, with regard to the custody, stage of trial and he being not involved in any other case.

Heard.

In view of the facts and circumstances of the case, in particular that the petitioner is in custody since 02.12.2022; he is not involved in any other case; challan has been presented, however, charges have not yet been framed; in all, there are 13 prosecution witnesses, the trial is likely to take a considerable time, his further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to him not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. The petitioner shall not commit an offence similar to the offence of

which, he is an accused, or for commission of which he is suspected of.

5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

6. The petitioner shall not in any manner misuse his liberty.

7. The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

February 23, 2023

M.Kamra

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