

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANIDGARH

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CRM-M-3800 of 2023
Date of Decision: 30.01.2023

Jaipal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Rohit Ahuja, DAG, Punjab.

VIKAS BAHL, J (ORAL)

This is the third petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.107 dated 03.12.2021, registered under Section 306 IPC, at Police Station Sadiq, District Faridkot.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 04.12.2021 and out of 16 witnesses, only five have been examined and thus, trial is likely to take time. He further submitted that the last bail petition of the petitioner was dismissed as withdrawn on 10.01.2023 with liberty to file a fresh one after giving full and better particulars. It is submitted that the bail application prior to the same was dismissed as withdrawn on 05.07.2022 at that stage and thereafter, a period of more than six months has elapsed, thus, entitling the petitioner to file the present petition for grant of regular bail. It has been further stated that the petitioner is not involved in any other case. He further submitted that it is a matter of debate as to whether on the set of allegations levelled in the FIR and the other documents, offence under Section 306 IPC is made out or not.

Learned State counsel, on the other hand, has opposed the

present petition for regular bail and has submitted that in the present case in addition to the complaint made by Malkit Singh, father of the deceased, there is a suicide note and a video wherein the deceased stated that the present petitioner was responsible for him committing suicide.

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

Keeping in view the above facts and circumstances, the fact that the petitioner has been in custody since 04.12.2021 and out of 16 witnesses, only five have been examined thus, the trial is likely to take time and the petitioner is not involved in any other case and the question whether the offence under Section 306 IPC is made out or not, would be finally adjudicated upon during the course of the trial, 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 of 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.

30.01.2023

D.Bansal

(VIKAS BAHL)
JUDGE

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