

CRM-M-3797-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision:-17.05.2023

SATISH KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Vijay Lath, Advocate
for the petitioner

Mr.Pankaj Khullar, AAG, Punjab

ALOK JAIN, J. (Oral)

1. Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.0299 dated 28.06.2022, under Section 306 of IPC(Sections 306 IPC deleted and Sections 304-B and 120-B added later on), registered at Police Station Sohana, Tehsil Kharar, District SAS Nagar (Mohali).

2. Short reply by way of affidavit of Sh.Harsimaran Singh Bal, PPS, Deputy Superintendent of Police, City-2, SAS Nagar, dated 17.05.2023, on behalf of the respondent-State, has been filed, which is taken on record.

3. Learned State counsel submits that the petitioner herein is the relative of the main accused, who was exerting pressure upon the parents of the deceased to compromise the matter and has been wrongly informing the parents of the deceased that their daughter suffered a heart attack.

4. Learned counsel for the petitioner submits that even presuming that to be true, the same would have been only to avoid a sudden shock to the

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family, however, the said factual aspect is the matter of trial. The petitioner is in custody since 28.06.2022.

5. Learned counsel for the petitioner also relies upon an order dated 05.05.2023 passed by this Court in CRM-M-55214-2022, wherein almost identically placed co-accused has been granted the bail.

6. More so, learned State counsel could not deny the fact that all the material witnesses have been examined and the father and brother of the deceased have turned hostile.

7. After hearing learned counsel for the parties and considering the matter in its entirety, also keeping in view the fact that the petitioner is in custody since 28.06.2022 and the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody.

8. Without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

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9. The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

17.05.2023
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Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No