

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

215

CRM-M-8476-2023

Date of decision: 08.08.2023

Jagdeep Kumar @ Kuki Baba

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Gurpal Singh Sandhu, Advocate for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab

Ms.Jagdeep Kaur, Advocate for mother of the deceased

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.210, dated 11.08.2022, registered under Sections 302, 341, 506, 323 & 34 IPC at Police Station City Malout, District Sri Muktsar Sahib.

2. Learned counsel contends that the petitioner is in custody for almost 1 year. He has been falsely implicated in this case. The allegations against him are of having injected the deceased with intoxicants. However, there is no corroborative evidence to the above, as the postmortem report was not conducted. He had no motive to commit the crime. Though, he is involved in two other cases, out of which, in one he has undergone the sentence imposed upon him and in the other one, he is on bail. A photocopy of an affidavit dated 24.05.2023, by the mother of the deceased has been produced, wherein it has been stated that she had not named the petitioner. Charges were framed on 16.01.2023. However, out of 15

prosecution witnesses, none has been examined.

3. Learned counsel appearing for the mother of the deceased affirms the factum of the affidavit as relied upon by the learned counsel for the petitioner.

4. The custody certificate dated 05.08.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for 11 months and 27 days.

5. Learned State counsel opposes the bail on the ground that the petitioner was specifically named in the FIR and as per allegations, he had forcibly injected the deceased with intoxicants. He is however unable to controvert the submissions with regard to stage of the case and the petitioner being on bail in the case pending against him.

6. Heard.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 11 months and 27 days; charges stand framed on 16.01.2023, however none out of 15 prosecution witnesses, has yet been examined, the trial is likely to take a considerable time, thus his further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

8. 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:-

- (i). The petitioner will not tamper with the evidence during the trial.
- (ii). The petitioner will not pressurize/ intimidate the prosecution witnesses.

- (iii). The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv). 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.
- (v). 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.
- (vi). The petitioner shall not in any manner misuse his liberty.
- (vii). 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.
- (viii). The petitioner shall not leave the country without prior permission of the trial Court.
- (ix). The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. 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.

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

(AMAN CHAUDHARY)
JUDGE

08.08.2023

Ankur

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