

CRM-M-24932-2021 (O & M) ::1:-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24932-2021 (O & M)
Date of Decision:10.08.2023

Amreek Singh @ Lali
... Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI
Present: Mr. P.S. Ahluwalia, Advocate
for the petitioner.
Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C is for the grant of regular bail to the petitioner in case bearing FIR No.16 dated 21.01.2020 under Sections 302/34 IPC registered at Police Station Samana, District Patiala.

2. The present FIR came to be registered at the instance of the petitioner/complainant-Kuldeep Singh, son of Karnail Singh who stated that they were two brothers and two sisters. His elder sister, namely, Sarabjit Kaur (deceased) aged about 34 years, was married to Amreek Singh @ Amrik Singh @ Lali (petitioner) son of respondent No.2-Kuldeep Kaur around 16 years ago. Two sons, namely, Damanpreet Singh, aged about 14 years and Yadvinder Singh, aged 12 years were born from the said marriage. Amreek Singh @ Amrik Singh was working as a Veterinary doctor. Since the last one

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and a half years, his brother-in-law/Amrik Singh @ Amreek Singh (husband of the deceased-Sarabjit Kaur), his brother Jassi @ Kala and their mother-Kuldeep Kaur (respondent No.2) had been giving beatings to his sister. A complaint had also been submitted by him in this regard at Police Station Mavi Kalan. Thereafter, on 19.01.2020, his brother-in-law/Amrik Singh @ Lali alongwith his relatives had come and had taken away his (petitioner's) sister Sarabjit Kaur to her matrimonial village Belu Majra. On the date of the occurrence, his brother-in-law/Amreek Singh @ Amrik Singh @ Lali had called him and informed him that Sarabjit Kaur had committed suicide by hanging herself from a ceiling fan. On this he (complainant-Kuldeep Singh) alongwith his brother-Mandeep Singh and uncle-Jasbir Singh as well as certain other persons had gone to the spot i.e. the house of Amrik Singh at village Belu Majra where they found the dead body of his sister lying on the bed with strangulation marks on her neck. On their enquiry, they came to know that his brother-in-law/Amrik Singh and his mother, namely, Kuldeep Kaur had killed his sister-Sarabjit Kaur by strangulating her with the help of a rope. His brother-in-law often used to say while beating his sister that he would perform a second marriage after killing her and used to extend threats of divorce on some occasions.

3. The learned counsel for the petitioner contends that the petitioner had been granted the concession of interim bail vide order dated 21.09.2021 in furtherance of which he continues to be on bail. As many as 11 out of the 15 prosecution witnesses had already been examined. Therefore, as the petitioner has not violated the conditions of interim bail, no useful purpose

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would be served by sending the petitioner back into custody as the trial, in any case, is at the fag end.

4. The learned counsel for the State, on the other hand, contends that the petitioner is the main accused and the allegations against him are grave. Therefore, he was not entitled to the concession of bail. He, however, concedes that the petitioner had been granted the concession of interim bail, which concession he has not misused. He also fairly concedes that 11 out of the 15 prosecution witnesses already stand examined.

5. I have heard the learned counsel for the parties.

6. On 21.09.2021, the following order was passed:-

“Case heard via video conferencing.

A reply by way of an affidavit of Sh. Jaswinder Singh Chahal, Deputy Superintendent of Police, Sub-Division Samana, District Patiala, dated 07.09.2021, has been filed on behalf of the respondent-State, which is ordered to be taken on record.

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 16, dated 21.01.2020, registered at Police Station Samana, District Patiala, for the alleged commission of offences punishable under the provisions of Sections 302/34 of the IPC.

The petitioner having been in custody for about 1 year and 07 months now, with not even a single prosecution witness having been examined so far, without making any comment on the actual merits of the case, he is ordered to be admitted to interim bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of

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the learned trial court/Duty Magistrate concerned, till the next date of hearing before this court.
Adjourned to 12.11.2021”.

7. In furtherance of the aforementioned order, the petitioner has been on interim bail ever since and has not misused the said concession. Meanwhile, as many as 11 out of the 15 prosecution witnesses had been examined after which the trial had been stayed in collateral proceedings.
8. In view of the aforesaid facts, no useful purpose would be served by sending the petitioner back into custody. Therefore, the present petition is allowed. The petitioner-Amreek Singh @ Amrik Singh @ Lali is ordered to be released on regular bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
10. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

August 10, 2023
sukhpreet

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