

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

**CRM-M-23460 OF 2023 (O&M)
DATE OF DECISION: 27.07.2023**

Jagdeep Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Mr. G. S. Madaan, Advocate,
For the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Munish Garg, Advocate,
For the complainant.

ARUN MONGA, J. (ORAL)

Petitioner seeks bail in case bearing FIR No.58 dated 30.09.2020, registered under Sections 120-B, 420, 466, 468, 469 of Indian Penal Code (for short "IPC") at Police Station Thulliwal, Police District Barnala, Punjab.

2. Per prosecution version, complainant Simarjit Kaur Samra got married to Jagdeep Singh on 20.07.2014 as per Hindu rites and ceremonies. A sum of Rs.6 lakh along with one gold ring was given to her husband at the time of marriage. Thereafter, both of them applied for visa to Canada. In the year-2019, petitioner Jagdeep Singh had a matrimonial fight with her. Subsequently, petitioner Jagdeep Singh went to Canada in the month of August/September, 2019 by procuring false death certificate of complainant in connivance with other accused. Her original passport, Aadhar card, voter card and other documents are with the accused. Formal FIR was registered. Investigation was carried out. Petitioner was arrested on 23.02.2023.

3. Learned counsel for petitioner submits that petitioner has been falsely implicated in this case. Nothing is to be recovered from petitioner. He further contends that challan has been presented and no useful purpose would

be served by keeping the petitioner further in preventive custody. He is not involved in any other case.

3.1 Learned counsel would further argue that co-accused of the petitioner, namely Sukhwinder Kaur, Gurpal Singh and Surinder Singh, have already been accorded concession of bail by a co-ordinate Bench of this Court vide orders dated 21.03.2022 passed in CRM-M-33493-2020, CRM-M-37771-2020 and CRM-M-39260-2020 respectively (Annexure P-2 Colly.). He also argues that on the ground of parity alone, petitioner, who is seeking regular bail, is entitled for the concession during pendency of trial.

4. On the other hand, learned State counsel, assisted by learned counsel for complainant, opposes the bail petition. On instructions from ASI Sukhwinder Singh, learned State counsel submits that allegations against the petitioner are serious in nature. She further states that in case petitioner is granted concession of bail, there are chances of his fleeing. There is strong apprehension of his absconding from the Court proceedings. She further submits that one senior officer conducted enquiry on the complaint moved by complainant and after finding the allegations to be correct, FIR in question was registered. She further submits that petitioner is the main accused being husband of complainant and cannot claim parity with his co-accused.

5. I have heard rival contentions of learned counsels.

6. The disputes seems to be matrimonial in nature. Co-accused of petitioner have been granted concession of anticipatory bail by this Court vide orders dated 21.03.2023 (Annexure P-2 Colly). Role attributed to the petitioner appears to be at par with that of his co-accused. In the premise, I see no ground as to why petitioner should not be meted out with similar treatment.

7. Bail allows an accused to maintain his freedom until his guilt or innocence is determined. Allegations against petitioner are a matter of trial at this stage. Challan is stated to have been presented, charges have been framed on 30.05.2023. Investigation is thus complete *qua* petitioner. The case is fixed

for prosecution evidence but none of the prosecution witnesses out of 24 witnesses has been examined so far. Since trial has commenced, he is thus not required for custodial interrogation. Commencement/conclusion of the trial is likely to take quite sometime. Whereas petitioner has already been languishing in jail for more than 5 months in preventive custody, he being behind bars since 23.02.2023.

8. Petitioner is being kept in preventive custody merely on an unfounded suspicion that if he is let out, he may either tamper with evidence and/ or influence witnesses. There is no probability of tampering with evidence as the same has already been seized by the investigating agency.

9. Petitioner is stated to be 36-year old family person having added responsibility of looking after his old parents. He is an agriculturist by profession and has clean antecedents. He is stated to have fixed abode, it is unlikely that he is flight risk or will flee from the trial proceedings. Offence allegedly committed by petitioner is of non-violent nature and in that sense his release on bail is not a threat to the society at large by committing any violent crime.

10. Considering the overall scenario and without commenting on the merits of the case, the instant petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody.

11. Accordingly, petitioner is ordered to be released on bail, in case not required in any other case, on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Judge, as the case may be.

12. In case, petitioner is found to be involved or gets involved in any offence while on bail, the prosecution shall be at liberty to seek cancellation of his bail in the instant case.

13. It is made clear that any observations and/or submissions noted hereinabove shall not have any effect on merits of the case as the same are for the limited purpose of hearing/disposal of the instant bail petition alone and

learned trial Court shall proceed in accordance with law without being influenced with this order.

14. Pending application(s), if any, shall also stand disposed of.

JULY 27, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No