

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

209

CRM-M-26303-2023

Date of Decision: 01.06.2023

Rohit @ Dabang

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ashok Giri, Advocate for the petitioner

Ms. Guramrit Kaur, DAG, Punjab
(assisted by ASI Jaswinder Singh)

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner, through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking concession of regular bail in FIR No.29 dated 03.04.2022 under Sections 306 & 34 of Indian Penal Code, 1860 (for short 'IPC') registered at Police Station Mehatpur, District Jalandhar.

2. The case of the prosecution is that complainant lodged a complaint alleging that Rohit @ Dabang and Ravinder used to follow his daughter while her way to school. On 02.04.2022, his daughter did not go to school and he received a telephonic call from class incharge informing him that Dabang has brought lunch box for his daughter claiming that it has been sent by her uncle. They visited house of Dabang and complained to his parents. His daughter went to her uncle's home for sleeping and at about 01:00 AM, his father told him that victim has

consumed some poisonous substance. She was taken away to Civil Hospital where she was declared dead.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is in custody since 20.02.2023 and he is not involved in any other offence. No recovery is to be effected from the petitioner. The ingredients of Section 306 of IPC are not complied with, thus, no offence is made out against the petitioner. This Court has already granted concession of regular bail to co-accused. The petitioner has been wrongly implicated in the commission of alleged offence. The petitioner is permanent resident of District Jalandhar. The petitioner has deep roots in the society. There is no possibility of flee from justice.

4. Custody certificate dated 31.05.2023 is taken on record. As per custody certificate, the petitioner is in custody since 21.02.2023 and he is not involved in any other offence.

5. Learned State Counsel submits that police report has already been filed. The trial has been committed to Sessions Court. Charges are yet to be framed. There are 16 prosecution witnesses. The petitioner is involved in the commission of grave offence, thus, no leniency is warranted and release of petitioner would hamper the trial.

6. The petitioner is in custody since 21.02.2023 and he is not involved in any other offence. Police report under Section 173 of Cr.P.C. stands filed, charges are yet to be framed. No recovery is to be effected from the petitioner. The Trial Court yet has to return definite findings on

the disputed issues. There are 16 prosecution witnesses, thus, there is abysmally low possibility of conclusion of trial in near future. This Court vide order dated 29.10.2022 (Annexure P-1) passed in CRM-M-27693-2022 has granted concession of regular bail to co-accused. The prosecution has not led any convincing/plausible documentary or oral evidence indicating possibility of petitioner being flee from justice or tampering the evidences or winning over/threatening the witnesses,

7. In view of afore-stated facts and circumstances, this Court is of the considered opinion that present petition deserves to be allowed and accordingly allowed. The petitioner is ordered to be released on bail subject to conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.

8. If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

9. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

01.06.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>