

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

209

CRM-M-27113-2023 (O&M)**Date of decision: 01.06.2023**

Shinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Tapish Gupta, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No.113 dated 01.09.2022, registered under Section 306 IPC, at Police Station Ghanaur, District Patiala.

2. Learned counsel contends that the petitioner is in custody for the last 9 months. The allegations are that he had beaten the deceased, however, as per the post-mortem report, Annexure P-7, there is not even a scratch. As a matter of fact, there was a matrimonial discord between the sister of the petitioner and the deceased, regarding which she had made a complaint to the police, but there was no involvement of the petitioner in the abetment. Co-accused Lakhwinder Kaur and Ajaib Singh have been granted regular bail by this Court vide orders dated 08.05.2023 and 31.05.2023. Charges have been framed on 02.05.2023. Out of 16 prosecution witnesses, none have been examined. He is not involved in any other case.

3. The custody certificate dated 31.05.2023 has been filed by learned State counsel. As per the same, the petitioner is behind bars for the last 9 months.

4. Learned State counsel opposes the bail on the ground that the death

took place in the house of the petitioner and there were allegations against him of having beaten the deceased. He is, however, unable to controvert the submissions with regard to stage of the case, co-accused having been granted bail and his non-involvement in any other case.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 9 months; co-accused have already been granted bail; is not involved in any other case; charges have been framed on 02.05.2023; out of 16 prosecution witnesses none have yet been examined, the trial is likely to take a considerable time, his further incarceration would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. 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 his not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
4. 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.
5. 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.
6. The petitioner shall not in any manner misuse his liberty.
7. 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.

8. The petitioner shall deposit his passport, if any, with the Trial Court forthwith and in case, he does not have the passport, he shall furnish a specific affidavit in this regard.

8. 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.

9. 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 any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

01.06.2023
S.Sharma(syr)

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