

2023:PHHC:148584

221 IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-43375-2023 (O&M)

Date of Decision: 22.11.2023

TAJINDER PAL SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Munish Puri, Advocate for  
Mr. Aditya Pratap Singh, Advocate  
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

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VIVEK PURI, J.(ORAL)

CRM-46487-2023

1. This is an application for placing on record amended memo of parties and head note.
2. It has been submitted that the offence under Section 328 IPC was subsequently added and on that score, the same could not be reflected in the petition.
3. For the reasons stated in the application, the same is allowed. Amended memo of parties and head note are taken on record, subject to all just exceptions.
4. Registry is directed to tag the same at appropriate place.
5. Application is disposed of.

CRM-M-43375-2023 (O&M)

6. The petitioner is seeking regular bail in the case bearing FIR No.60 dated 29.04.2023 under Sections 498-A/406/328/308/120-B IPC registered at Police Station Division No.2, District Pathankot.

7. Custody certificate has been placed on record.
8. As per the allegations of the prosecution, the complainant had lodged the FIR on the allegations that her marriage was solemnized with Kharak Singh, the brother of the petitioner about three years prior to the registration of the FIR and a daughter has been born from the wedlock. The husband of the complainant was habitual of consuming intoxicants and used to beat her without any rhyme or reason. The parents of the complainant have passed away. The family members of her in-laws had been harassing her on account of demand of dowry. Even the sister-in-law made an attempt to set her on fire. They also made an attempt to kill the daughter of the complainant by administering her mosquito liquid. The petitioner is brother-in-law of the complainant. There is no medical evidence with regard to administration of any poisonous substance to the daughter of the complainant. Even, the allegations with regard to attempt to setting the complainant on fire are false. All the co-accused including the husband of the complainant are on bail. The petitioner is in custody for a period of 06 months and 25 days. The petitioner is involved in another case bearing FIR No.75 dated 02.10.2021 under Sections 417/420/506 IPC, Police Station Narot Jaimal Singh and he has been granted bail in that case in terms of the order dated 11.08.2023 passed by the learned Judicial Magistrate 1<sup>st</sup> Class, Pathankot. The other case against the petitioner is a complaint under Section 138 of the Negotiable Instruments Act.
9. Learned State counsel has opposed the bail application on the score that there are serious allegations levelled against the petitioner and out of 19, no witness has been examined till date.

10. The petitioner is in custody for a period of 06 months and 25 days. He is stated to be on bail in the two other cases registered against him. The petitioner is the brother-in-law of the complainant. The custodial interrogation of the petitioner is over, investigation of the case is complete and challan has been presented. All the other co-accused including the husband of the complainant are stated to be on bail. No witness has been examined till date. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

11. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

12. Pending application, if any, shall also be disposed of.

**22.11.2023**  
smriti

**(VIVEK PURI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No