

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237

CRM-M-47094-2023 (O&M)
Date of decision: 15.11.2023

Jagdeep Singh @ Deep and Another

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. P.S. Dhaliwal, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

Mr. Supneet Singh, Advocate for the complainant

AMAN CHAUDHARY. J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for the grant of regular bail to the petitioners in case FIR No.124 dated 16.12.2022, registered under Sections 308 and 34 IPC, at Police Station Tapa Mandi, District Barnala.

2. Learned counsel contends that the petitioners are in custody for about 11 months. They allege false implication in the case, as no such incident as stated, has taken place. There is a delay of 2 days in lodging the FIR. The petitioners are otherwise working as laborers. The matter has been compromised with the complainant on 29.08.2023, Annexure P-3, based on which, CRM-M-45634-2023 has also been filed for quashing of the FIR, wherein in terms of directions passed by this Court, statement of complainant has also been recorded on 06.10.2023. Charges stand framed on 29.04.2023, however, out of 18 prosecution witnesses, none has been examined. The petitioners are not involved in any other case.

3. The custody certificate dated 12.11.2023 has been filed by learned State counsel. As per the same, the petitioner No.1 is behind bars for 10 months and 28

days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations levelled against the petitioners in the FIR. He is however unable to controvert the submissions with regard to stage of the case, petitioners not being involved in any other case and the compromise arrived at.

5. Learned counsel for the complainant affirms the factum of compromise having been effected between the parties and statement of complainant recorded before the trial Court in terms of order passed by this Court on 25.09.2023.

6. Heard.

7. Considering the facts and circumstances of the case, in particular that the petitioners are in custody for the last 10 months and 28 days; not involved in any other case; matter stands settled between the parties; Charges were framed on 29.04.2023, however, none out of a total of 18 prosecution witnesses has been examined so far, the trial is likely to take a considerable time, thus their further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

8. As a result, the present petition is allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to their not being required in any other case. The petitioners shall abide by the following conditions:-

- (i) The petitioners will not tamper with the evidence during the trial.
- (ii) The petitioners will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioners will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.

- (iv) The petitioners shall not commit an offence similar to the offence of which, they are accused, or for commission of which they are suspected of.
- (v) The petitioners 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.
- (vi) The petitioners shall not in any manner misuse his liberty.
- (vii) The petitioners shall furnish their 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 petitioners seek 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.
- (viii) The petitioners shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioners.

9. 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 petitioners by this order.

10. 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 an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

November 15, 2023
M.Kamra

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