



Sr. No.211

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18171-2021
Date of decision: 23rd September 2024

JASKARAN SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Geeteshwar Saini, Advocate for
Mr. R.K. Arya, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.40 dated 31.03.2020, under Sections 304-B read with Section 34 IPC, 1860 (Section 498-A IPC added later on), registered at Police Station Ajnala, District Amritsar (Annexure P-1).
2. On 11.05.2023, the petitioner was granted interim bail by the co-ordinate Bench and following order was passed:-

“xxx xxx xxx xxx

2. *Learned counsel for the petitioner, inter alia contends that petitioner is in custody since 17.06.2020 and on account of filing application under Section 319 Cr.P.C by prosecution, the trial is pending at post charge stage. The petitioner is not involved in any other crime. The charges against accused summoned under Section 319 Cr.P.C. have been framed vide order dated 10.02.2023. There are 18 prosecution witnesses, thus, possibility of conclusion of trial is abysmally low and petitioner cannot be kept in custody for indefinite period.*



3. *Learned State counsel does not dispute the above-stated factual position and further submits that FSL report is still awaited.*

4. *Considering the period of custody of the petitioner, awaiting of FSL report and factum that police had filed challan under Section 306 IPC though charges have been framed under Section 304-B IPC, this Court finds it appropriate to release the petitioner on interim bail. The petitioner is ordered to be released on interim bail till further orders subject to the conditions as may be imposed by Trial Court/Illaq/Duty Magistrate concerned.*

Adjourned to 29.09.2023.

It is made clear that petitioner shall not misuse the concession of interim bail. He shall neither contact prosecution witnesses nor attempt to win over them.

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.”

3. As per the status report dated 01.03.2024, filed by way of an affidavit of Sh. Raj Kumar, PPS, Deputy Superintendent of Police, Sub-Division Ajnala, Amritsar (Rural), Aluminium Phosphide Insecticide has been detected in the contents of the viscera of the deceased, as per Report No.4082 dated 21.10.2020.

4. Learned State counsel has confirmed that even the additional accused have been summoned with the aid of Section 319 Cr.P.C.

5. Learned counsel for the parties are *ad idem* that the order summoning the additional accused has also been challenged in this Court by way of filing a criminal revision petition.

6. Learned State counsel submits that out of total 18 prosecution witnesses, only 03 witnesses have been examined. Custody certificate of the



petitioner dated 22.09.2024, has also been filed, reflecting his period of custody as 02 years 10 months and 28 days, which is taken on record.

7. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court and charges have been framed. Out of total 18 prosecution witnesses, only 03 prosecution witnesses have been examined. Conclusion of trial is likely to take some time. No useful purpose would be served by keeping the petitioner in custody during trial, as such, without expressing anything on the merits of the case and keeping in view the above facts, the present petition is allowed.

8. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

9. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd September 2024
simran

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