

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.24135 of 2024
Reserved on: 09.08.2024
Pronounced on: 30.08.2024

Kamalpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Divya Sharma, Advocate
for the petitioner.

Ms. Swati Batra, DAG, Punjab
(Through video conferencing).

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
89	30.08.2023	Sudhar, District Ludhiana Rural (Punjab)	306, 506 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. Vide order dated 14.05.2024, the petitioner was granted interim bail/ protection, which continues till date.
3. Facts of the case are being taken from reply dated 08.08.2024 which reads as under:

“3. That the brief facts of the case are that on 30-08-2023 the complainant Jaswinder Kaur gave a statement to the police that on 29.08.2023 at about 2 PM she was present in her house and her son Jatinder Singh came on motor cycle rashly and thereafter left

the house. The complainant called her younger daughter-in-law Manpreet Kaur and went to the house of her son Jatinder Singh. They saw that two opened pouches of some poisonous substance were lying there. One suicide note written by deceased Jatinder Singh in Punjabi was lying there. True translation copy of the suicide note is mentioned below:-

“Sharanjit Kaur my wife, Brother in law Kamalpreet Singh Fauji (petitioner), brother in law Gagandeep Singh, mother in law Inderjit Kaur, first wife Beant Kaur, father in law Jagroop Singh, Pargat Singh, Mother in law Jaswinder Kaur, Taya father in law Nand Singh @ Nandi, brother in law Gurpreet Singh Babbu, brother in law (Sadu)

Gagga of Chaukimaan and Fauji husband of Sonu, Raman Boutique Humbran, Neetu of Humabran wali are responsible for my death and my job may be given to Fatehveer Singh. All money and property be given to Fatehveer Singh and my grandmother Sukhdev Kaur. My son Fatehdeep Singh be given to my grandmother. My whole of salary was used by my father in law Kehar Singh.

Sd/-Jatinder Singh."

True Translation copy of the suicide note is enclosed as Annexure R-1/T."

4. The petitioner's counsel prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes the bail.

6. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

7. Given the background of allegations against the petitioner, it becomes paramount to protect the complainant, witnesses, and members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

8. Given the nature of the allegations and the other circumstances peculiar to this

case, the petitioner shall not enter the victim's property, workplace, and residence until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (Cr.) 458; and *Aparna Bhat v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

9. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

10. **Petition allowed** in terms mentioned above. Interim order is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

30.08.2024

Sonia Puri

Whether speaking/reasoned:	Yes
Whether reportable:	No.