

CRM-M-38119-2024 (O&M)
Date of Decision: 19.10.2024

STATE OF PUNJAB AND ANOTHER ...Respondents

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Amit Chaudhary, DAG, Punjab.

On the oral request of the counsel for the petitioner, the present petition is treated to be under Section 483 of the B.N.S.S. 2023.

3. Learned counsel for the petitioner submits that the complainant/Gurpreet Singh has expired and the medical evidence has already been submitted with the challan. He further submits that the petitioner is a young boy of 24 years of age having two year old child at home who is to be looked after. He further submits that the deceased-wife committed suicide as she was suffering from depression from last more than 05-06 years and the petitioner had no role to play but it was only on account of the FIR lodged by the complainant who was none other than the brother of the deceased. The petitioner was arrested in April 2024.

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certificate dated 15.10.2024 according to which the petitioner is in custody for 06 months and 05 days. The challan has already been presented but charges are yet to be framed. The matter is fixed before the trial Court for 14.11.2024.

5. Heard learned counsel for the parties.

6. In light of the above and considering the fact that complainant has expired and the primary evidence in the absence of the complainant would be only the medical evidence, which is already on record and the petitioner has already undergone sentence of 06 months and 05 days as on date and that the trial is likely to take some time, no useful purpose would be served by keeping the petitioner in custody, hence, the petitioner is entitled to the grant of the concession of regular bail.

7. Without commenting upon the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail if not required in any other case by furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM, concerned. He shall, however, be released on the following conditions:

- i. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
- ii. The petitioner will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
- iii. The petitioner will mark his presence before the SHO concerned, after every 15 days and in case the SHO

refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.

- iv. The petitioner will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also. However, in case the petitioner does not possess a passport, then he shall file an undertaking to the said effect before being released.

8 The petitioner shall abide by the terms and conditions as imposed in addition to Section 483 of BNSS, 2023.

9. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and this order shall not be considered as parity qua any other co-accused in any manner whatsoever.

10. Moreover, in case, the petitioner is found involved in any such activity once again, the State is at liberty to promptly move an appropriate application for cancellation of bail detailing out the circumstances and violation of condition(s) of bail.

(ALOK JAIN)
JUDGE

19.10.2024

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