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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-41146-2024
Date of Decision: 29.10.2024

Ajay Singh
...Petitioner

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Nirmal Kaur, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No.100 dated 22.06.2024, under Section 306 IPC registered at Police Station Sidhwan Bet, District Ludhiana.

2. The facts of the present case are that the present FIR was registered with the allegations that on 21.06.2024 body of Sucha Singh was found in a water tanker used for irrigation. Brother of the deceased lodged a complaint alleging that deceased was in a relationship with co-accused Gurcharan Kaur (Mother of the petitioner) for about 4-5 years. However, she was purportedly preventing him from marrying anyone else. Approximately two months before his death, Sucha Singh got engaged to a girl but co-accused Gurcharan Kaur and Krishna interfered in between to which the marriage was called of. This intervention reportedly caused



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Sucha Singh significant emotional distress leading him to take the extreme step of committing suicide.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and there is no specific averment made in the FIR against him. He further submits that the petitioner is 19 years old body, the cause of death is still unknown and ingredients of Section 306 IPC are not made out. He further submit that the petitioner has undergone actual custody of 04 months and 05 days and no other case has been registered against him.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. As per the custody certificate, the petitioner has undergone actual custody of 04 month and 05 days and there is no other case registered against him . He submits that challan was presented on 22.08.2024 and out of 12 prosecution witnesses, none has been examined.

5. Heard the rival submissions made by learned counsel for the parties.

6. Admittedly, the challan was presented on 22.08.2024 and out of total 12 prosecution witness, none has been examined till date. The petitioner is 19 years old and has undergone actual custody of 04 months and 05 days. Further detention of the petitioner will not serve any useful purpose and will be violation of Article 21 of the Constitution of India including the right to speedy trial, and is against the principle "Bail is a rule, jail is an exception" as elucidated in the judgment of Apex Court in ***"Dataram Singh vs. State of Uttar Pradesh and another", (2018) 3 SCC 22.***

7. Deprivation of personal liberty without ensuring speedy trial is not

consistent with Article 21. While deprivation of personal liberty for some period



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may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. The Apex Court in "*Abdul Rehman Antulay and others v. R.S. Nayak and another*", 1992(2) RCR (Criminal) 634 observed that Right to Speedy Trial flowing from Article 21 encompasses all the stages, namely the stage of investigation, inquiry, trial, appeal, revision and retrial.

8. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the challan has been presented and no prosecution witness has been examined till date. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

9. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which they are accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



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10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
11. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

29.10.2024

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(KIRTI SINGH)

JUDGE

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