



In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-56795-2023 (O&M)
Date of Decision: 22.8.2024

Goldy Bawa ... Petitioner
Versus
State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. C.S. Jattana, Advocate for the petitioner.
Mr. Siddharth Attri, AAG, Punjab.
Ms. Prabhjot Kaur, Advocate for respondent No.2.

FIR No.	Dated	Police Station	Section/s
70	11.8.2023	Badali Ala Singh, District Fatehgarh Sahib	306, 506 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. The FIR was lodged at the instance of Ritesh Kumar, wherein it is alleged that his father resides at Village Beero Majri and runs a shuttering store in village alongwith his brother Dishant Bawa. The brother of his father namely Subhash Chander is having sons namely Monti Bawa, Deepak Bawa and Goldy Bawa and who were also living in the neighbourhood and often raised quarrels and hurled abuses. It is alleged that Deepak Bawa was having a ‘Bolero’ pickup, which he used to park in the street and on account of which there used to be some quarrel. It is alleged that on 8.8.2023 when the



complainant returned back from his work, the 'Bolero' pickup was parked on the way. When the complainant blew horn of his vehicle, Deepak Bawa hurled abuses. The matter was taken to the police. It is alleged that subsequently on 11.8.2023, Monti Bawa, Deepak Bawa, Goldy Bawa and Ranjit Kaur started abusing complainant's father Rajesh Kumar and also issued threats to kill him. The complainant's father felt humiliated and being fed-up ultimately committed suicide.

3. Learned counsel for the petitioner submitted that the matter originates from a petty dispute regarding parking in the street and as a matter of fact the family of complainant and family of the accused are *inter se* related. Learned counsel submits that even if all the allegations as levelled in the FIR are taken to be correct, it cannot be construed that it is a case where the accused had abetted the commission of suicide by the deceased and that as a matter of fact an attempt has been made to rope in the entire members of the family. Learned counsel submits that the petitioner has been behind bars for a period of about 4 months and that after he was released on *interim* bail on 25.1.2024 there has been no such instance, which could suggest that the petitioner has misused the concession of interim bail.
4. Learned State counsel assisted by learned counsel representing the complainant has, however, opposed the petition and has submitted that it is a case where not only the petitioner is named in the FIR, but the police has also taken into possession a suicide note clearly indicating that it was on account of the harassment met out by the petitioner and other members of his family that the deceased was compelled to take the step of committing suicide.



CRM-M-56795-2023 (O&M) (3)

Learned State counsel has, however, not disputed the fact that the petitioner has remained in custody for about 4 months and has been on *interim* bail since the last about 7 months. It has also been informed that as on date none out of the cited 16 PWs has been examined till date.

- 5. This Court has considered rival submissions addressed before this Court.
- 6. Having heard learned counsel for the petitioner and also the learned State counsel as well as learned counsel representing the complainant, but without commenting anything as regards merits of the case, this Court finds that it is a case where the petitioner has remained in custody for about 4 months. There is nothing on record to show that the petitioner has ever misused the concession of *interim* bail as granted to him vide order dated 25.1.2024 or has made any attempt to threaten or intimidate the witnesses. The petitioner is not stated to be involved in any other case. The Trial has not even commenced till date inasmuch no PW out of the cited 16 PWs has been examined so far. Under these circumstances, it goes without saying that conclusion of trial is likely to consume time. The petitioner, as such, cannot be kept behind bars for an indefinite period.
- 7. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.8.2024

Pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No