

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-57544 of 2023

DATE OF DECISION :- 24.01.2024

Amritpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. A.D.S. Sukhija, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Gaganvir Singh Gill, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No. 142 dated 06.07.2022, registered for the offences punishable under Sections 304-B, 498-A of IPC at Police Station Sadar Samana, District Patiala.

2. Learned counsel for the petitioner submits that after the arrest of the petitioner on 25.08.2022, investigation was carried out and challan has been presented. Learned counsel for the petitioner has referred, in extenso, to the testimonies of PW1 (Gurjinder Kaur-mother of deceased/complainant) and PW2(Darshan Singh-father of deceased) to argue that the case in hand is not one of dowry harassment and the petitioner has been falsely implicated in the case. It is further argued by learned counsel for the petitioner that the child born out of the wedlock, who is a boy, aged about 2½ years, is being looked after by the family of the petitioner, thus regular bail be granted to the petitioner.

3. Counsel for the State opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of regular bail.

4. Mr. Gaganvir Singh Gill, Advocate has filed Vakalatnama for the complainant. The same be taken on record. He has opposed the grant of regular bail to the petitioner.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The accused is in custody since 25.08.2022 & as per custody certificate dated 24.01.2024, the petitioner has already suffered detention as an undertrial for about 1 year and 5 months. The petitioner is not shown to be involved in any other case. The prosecution has cited 23 witnesses in total and conclusion of trial will take its own time. The rival contentions of the learned counsel for the parties regarding the weightage required to be attached to the testimonies of PW1 (Gurjinder Kaur-mother of the deceased/complainant) as also PW 2 (Darshan Singh-father of the deceased) will be gone into during the course of trial. This Court does not deem it appropriate to delve into these rival contentions at this stage. No tangible material has been brought on record to show that there is likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. In the considered opinion of this Court, further detention of the petitioner as an under trial is not warranted.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

24.01.2024

P.Singh