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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55090-2024 (O&M)

Date of Decision: 12.11.2024

JAGTAR SINGH AND ANR

.. Petitioners

Vs.

STATE OF PUNJAB AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Kanwaljeet Singh Brar, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Mr. L.S. Lakhanpal, Advocate
for respondent No.2.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioners in case bearing FIR No.0001 dated 01.01.2024, registered for the offences punishable under Sections 498-A, 34, 304-B and 511 of IPC however now FIR under Sections 307, 498-A, 34 and 406 of IPC (Sections 304-B and 511 of IPC were deleted later on) at Police Station Bariwala, District Sri Muktsar Sahib.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Statement of Sunita Rani daughter Kartar Singh resident of village Dohak, PS Bariwala District Sri Muktsar Sahib aged about 32 years, yesterday on 31.12.2023 my Husband Kuldeep Singh and my mother in law Rani Bai and Devar Jagtar Singh at 08:00 AM bolted me in the room and gave me beatings and they all demanded dowry from me and stated that you bring dowry from your parents and during beatings they brought petrol and my mother in law sprinkled petrol on me and my husband and my devar caught hold of me

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and then three of them sat me on fire and when the fire increased I do not know who rescued me. That strict legal action be taken against my husband, devar and my mother in law and they be punished.”

3. Learned counsel for the petitioners has argued that the petitioners are in custody since 05.03.2024. Learned counsel for the petitioners has submitted that the FIR in question essentially emanates from a matrimonial discord and the same was got registered on account of mis-understanding between the parties. The said mis-understanding has since been resolved by way of Panchayati divorce dated 16.07.2024 (copy whereof has been appended as Annexure P-3 with the instant petition). Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioners do not deserve the concession of the regular bail.

5. Learned counsel for respondent No.2-Sunita Rani/complainant has ratified the aspect of Panchayati compromise dated 16.07.2024 having been entered between the parties.

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

7. The petitioners were arrested on 05.03.2024 whereinafter investigation was carried out & challan was presented on 30.05.2024. Total 27 prosecution witnesses have been cited and culmination of the trial will take its own time. The rival contention of the learned counsel for the parties; as to whether the FIR in question was registered on account of mis-representation and the veracity/weightage required to be attached to the Panchayati compromise dated 16.07.2024 (copy whereof has been appended

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as Annexure P-3 with the instant petition); shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioners absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 09.11.2024 filed by the learned State counsel, petitioner No.1-Jagtar Singh has suffered incarceration for more than 08 months and 02 days & is not shown to be involved in any other case. Further as per the custody certificate dated 12.11.2024 filed by the learned State counsel, petitioner No.2-Kuldeep Singh has suffered incarceration for more than 08 months and 05 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioners as an undertrial is not warranted in the facts and circumstances of the present case.

8. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioners are ordered to be released on regular bail on their 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 petitioners shall remain bound by the following conditions:-

- (i) The petitioners shall not mis-use the liberty granted.
- (ii) The petitioners shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioners shall not absent themselves on any date before the trial.

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- (iv) The petitioners shall not commit any offence while on bail.
- (v) The petitioners shall deposit their passport, if any, with the trial Court.
- (vi) The petitioners shall give their cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change their cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioners shall not in any manner try to delay the trial.

9. 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 petitioners.

10. Ordered accordingly.

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

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

12.11.2024
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No