



CRM-M-55433-2024

301

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-55433-2024
Date of Decision: 18.12.2024

Surjit 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 contents of the above-mentioned FIR are reproduced herein below:-

“Statement of Sukhdev Singh, son of Joginder Singh, resident of Chandigarh Channa, Police Station Sidhwan Bet, aged about 38 years, having Mobile No. 88727-88540, stating that I am resident of the above-mentioned address and work in agriculture. We are four siblings and I am the eldest. I and my two sisters are married, while my brother Sucha Singh was unmarried. Since, past 4-5 years, my brother had a close relationship with Charanjit Kaur, alias Goga, wife of Surjit Singh. from our village. She is not letting him to get



married and she was creating obstacles and troubling him. About two months ago, Charanjit Kaur and Krishna Kaur, alias Baggi, daughter of Visakha Singh went to my brother's prospective in-laws' house in Salempur Tibba and broke off the engagement. Due to this, my brother was under a lot of stress. On June 21, 2024, my brother went to water the paddy field near Kadar Baksh road. Shortly after around 4 pm, we received the news that my brother had passed away. His body was found in the water tank of a motor built in the field. Charanjit Kaur, alias Goga, wife of Surjit Singh, Surjit Singh son of Mahla Singh, Aji son of Surjit Singh and Krishna alias Buggi has forced my brother to die. Please take appropriate action against them and give us justice. I have written a statement to you. I have heard it. Sd/-Sukhdev Singh Taid ”

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. On 21.06.2024 dead body of deceased Sucha Singh was found in a water tanker used for irrigation. The cause of death is still unknown and no suicide note has been recovered in this case. No allegations have been raised qua the petitioner, thus, ingredients of Section 306 IPC are not fulfilled. The petitioner has undergone actual custody of 05 months and 23 days and no other case has been registered against him. The co-accused has been granted regular bail by this Court vide order dated 29.10.2024 passed in CRM-M-41146-2024.

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 05 month and 23 days and there is no other case registered against him . He submits that challan was presented on 22.08.2024, charges were framed on 16.11.2024 and out of 12 prosecution witnesses, none has been examined.



CRM-M-55433-2024

3

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

6. Admittedly, the challan was presented on 22.08.2024, charges were framed on 16.11.2024 and out of total 12 prosecution witness, none has been examined till date. The petitioner has undergone actual custody of 05 months and 23 days. Moreover, the co-accused has been granted regular bail by this Court vide order dated 29.10.2024 passed in CRM-M-41146-2024. 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 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



CRM-M-55433-2024

4

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.

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.

18.12.2024
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No