

2025:PHHC:031886



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

Sr. No.220

**CRM-M-57402-2024(O&M)
Date of decision : 06.03.2025**

Harjinder Singh @ Kaddu

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. L.S. Mann, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, 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.263 dated 09.12.2022, under Section 306 IPC, registered at Police Station Shahkot, District Jalandhar.

2. The translated version of the FIR is reproduced below:-

'Statement of Sukhwinder Kaur wife of Guralp Singh son of Swaran Singh r/o Village Jaania, PS Shahkot, Distt. Jalandhar, aged about 36 years, M.No.95921-88250. Stated that I am a resident of abovementioned address and do domestic work. My younger sister Rajwinder Kaur aged about 35 years is married to my brother in law namely Balwinder Singh alias Binda son of Swaran Singh r/o Village Jaania. My brother in law would keep on visiting Dubai for the past 14-15 years. My sister is having two children. The elder is son namely Simranpreet Singh and younger daughter name is Sahibpreet Kaur. My sister Rajwinder Kaur was having relation for the past 1 year with Sukhpreet Singh alias Sukha son of Balbir Singh r/o Kohar Kallan, PS Shahkot and Sukhpreet Singh alias

2025:PHHC:031886



Sukha would accompany her forcibly. My sister's son namely Simranpreet Singh after being fed up from the acts of my sister and Sukhpreet Singh alias Sukha committed suicide by taking poison about two months ago. Simranpreet Singh used to live at his maternal grandparents house at village Kang Sab Rai, PS Sadar Nakodar. At the time of death of Simranpreet Singh, my brother in law Balwinder Singh alias Billa came back from Dubai to India and due to the death of his son, he took panchayati divorce from my sister. Thereafter my sister Rajwinder Kaur alias Rajji started living with Sukhpreet Singh alias Sukha. Yesterday, on 18.12.2022, I received a phone call from my sister Rajwinder Kaur alias Rajji and who told me that Sukhpreet Singh alias Sukha and Harjinder Singh alias Kaddu son of Kewal Singh r/o Kohar Kalan, PS Shahkot, used to harass her a lot and she had taken sulphas tablets after being fed up from them and she cannot be saved. This incident happened about 8 pm. Then Sukhpreet Singh alias Sukha and Harjinder Singh alias Kaddu got my sister admitted in Civil Hospital Shahkot from Kohar Kalan where I and my husband Gurpal Singh alias Pala also reached. Doctor told us that my sister has passed away. Sukhpreet Singh alias Sukha and Harjinder Singh alias Kaddu went away from the spot. As it was a night time, so we did not record our statement and today I came alongwith my husband Gurpal Singh for getting my statement recorded. Kindly take legal action against Harjinder Singh alias Kaddu and Sukhpreet Singh alias Sukha aforesaid. Statement has been got recorded, heard and is correct. The dead body of my sister is lying in the cremation ground. Sd- Sukhwinder Kaur attested by Gurpal Singh, attested by Salinder Singh ASI PS Shahkot dated 9.12.2022.'

3. Learned counsel for the petitioner *inter alia* submits that the

petitioner has been falsely implicated in the present case solely because he,

2025:PHHC:031886



being a friend of the main accused-Sukhpreet Singh @ Sukha, was present at the hospital where the deceased was admitted. He vehemently contends that no ingredients under Section 306 IPC are made out against the present petitioner, who has undergone an actual custody of 02 years and 07 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 02 years and 07 days and there is another criminal case registered against him but he is on bail. She on instructions from the concerned investigating officer submits that charges were framed on 03.06.2023 and out of a total of 14 prosecution witnesses, 07 witnesses have been examined till date. She however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. A perusal of the case in hand transpires that the petitioner is behind the bar since 26.02.2023. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and out of a total of 14 prosecution witnesses, 07 witnesses have been examined. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial

2025:PHHC:031886



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. 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 he is 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.

8. 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.

2025:PHHC:031886



9. 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.

 Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

06.03.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No