
(2021) 03 P&H CK 0185

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 20393 Of 2020

Jai Pal Trehan @ Jai Gopal Trehan

APPELLANT

Vs

State Of Punjab

RESPONDENT

Date of Decision : 15-03-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 120B, 364A, 384, 420

Citation : (2021) 03 P&H CK 0185

Hon'ble Judges : Lalit Batra, J

Bench : Single Bench

Advocate : Vishal Sharma (Vasudeva), Mehardeep Singh

Final Decision : Allowed

Judgement

Lalit Batra, J

This 2nd petition under Section 439 Cr.P.C has been moved by petitioner-Jai Pal Trehan @ Jai Gopal Trehan for grant of regular bail in case FIR No.42 dated 13.04.2015 under Sections 120-B, 364-A, 384 and 420 IPC, registered at Police Station Civil Lines, Batala, District Batala (Gurdaspur).

Supplementary replies dated 23.10.2020 and 14.11.2020 by way of affidavits of Parvinder Kaur, PPS, Deputy Superintendent of Police, Sub-Division City Batala, Police District Batala alongwith Annexures R-1 and R-2 already filed on behalf of respondent-State, are taken on the record.

Learned counsel for the petitioner inter alia contends that allegations levelled in the FIR are totally concocted, false and frivolous and there is no iota of truth therein. He further submits that admittedly petitioner was in India when death of Balwinder Singh took place in Kuala Lumpur, Malaysia. He further urges that allegedly Balwinder Singh had slipped and fell down while getting down from the balcony of the apartment and thereby sustained injuries leading to his death and for the said reason, in the Postmortem Examination Report, cause of death has

been shown as 'Polytrauma'. He further urges that Bhupinder Singh had also sustained injuries while getting down from the balcony. He further urges that in view of above, petitioner had no role whatsoever in the death of Balwinder Singh and sustaining injuries by Bhupinder Singh. He further urges that petitioner is in custody since 06.03.2019 and he is no more required by the Investigating Agency for any investigation purpose. He further submits that after presentation of Challan, trial has already commenced wherein testimonies of PW-1 Jaswant Singh son of Hardial Singh, PW-2 Iqbal Singh, PW-3 Simranjit Kaur (complainant, wife of deceased Balwinder Singh) and PW-4 Jaswant Singh son of Gulzar Singh, have already been recorded during the course of trial. He further urges that co-accused Sourav @ Sourabh Vohra has already been released on bail by this Court, vide order dated 23.07.2020 passed in CRM-M-9280-2020. He further submits that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and carefully gone through the contents of petition as well as replies furnished at the instance of respondent-State.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 06.03.2019; that petitioner is no more required by the Investigating Agency for investigation purpose; that after completion of investigation, Challan has already been presented in Court; that testimonies of PW-1 Jaswant Singh son of Hardial Singh, PW-2 Iqbal Singh, PW-3 Simranjit Kaur (complainant, wife of deceased Balwinder Singh) and PW-4 Jaswant Singh son of Gulzar Singh, have already been recorded and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-Jai Pal Trehan @ Jai Gopal Trehan is allowed and he is ordered to be released on bail on his furnishing personal/surety bonds to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Gurdaspur, as the case may be.