

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

**Criminal Misc. No. M-24569 of 2015
Date of Decision: 15.9.2015**

Nishan Singh

--Petitioner.

Vs.

State of Punjab

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. M.S.Sidhu, Advocate
for the petitioner.

Mr. K.D.Sachdeva, Additional A.G. Punjab.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 205 dated 22.12.2014 under Section 306 IPC, registered at Police station Daba, Ludhiana.

Learned counsel for the petitioner submits that petitioner has been held liable for the unfortunate death of his wife and that too, after 11 years of their marriage. He further submits that there are two minor daughters out of the wedlock and both are staying with the parents of the petitioner. He also submits that there was no allegation of demand of dowry, but because of some temperamental differences between the husband and wife, deceased took the extreme step of suicide. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Gurdial Singh, submits that since the petitioner

has been found to be the only person responsible for the commission of crime under Section 306 IPC, he is not entitled for the concession of bail pending trial. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of bail pending trial. It is so said, because there are no serious allegations against the petitioner. Marriage was 11 years old. Children out of the wedlock are living with the parents of the petitioner. There was no allegation of demand of dowry against the petitioner. Further, since the prosecution evidence is yet to start, conclusion of the trial will take some time.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

15.9.2015
AK Sharma