

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.M.No.M-2594 of 2015 (O&M)
DATE OF DECISION : 3.3.2015

Sanjay Eka

PETITIONER

VERSUS

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri A.S.Dhaliwal, Advocate for the petitioner.

Shri P.S.Hundal, A.A.G. Punjab.

MAHESH GROVER, J.

This is a petition filed under section 439 Cr.P.C. with a prayer for release of the petitioner on bail in a case registered vide F.I.R. No.14 dated 8.2.2013 under Sections 304-B/34 I.P.C. at Police Station Kot Ise Khan, Moga.

The wife of the petitioner died within two years of her marriage by consuming insecticide.

Learned counsel for the petitioner contends that the petitioner has

been in custody since October, 2013 and the trial has hardly progressed due to the lapse on the part of the prosecution. It is further contended that it was a case of suicide and not a death attributed to discord in matrimony.

On the other hand, learned counsel for the State contends that the death took place within 7 years of the marriage and the presumption of law would straightway be attracted disentitling the petitioner to any concession, given the serious nature of the offence.

Having heard the learned counsel for the parties and noticing the singular fact that the petitioner is in custody since October, 2013 and only one witness out of the total 14 witnesses has been examined so far indicating grave lethargy on the part of the prosecution, I deem it appropriate to conclude that the petitioner would be entitled to bail solely on this ground. Individual liberty cannot be held up on account of failure of the prosecution to conclude its trial against an accused unless cogent reasons are shown. No excuse has been offered for the delay in completing the evidence and the trial.

Considering all this to be in favour of the petitioner, the petition is accepted and the petitioner is directed to be released on bail in terms of Section 439 Cr.P.C. subject to the satisfaction of the trial Court.

March 3, 2015
GD

(MAHESH GROVER)
JUDGE