

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

CRM-M-29946-2015

Date of decision: 14.09.2015

Mangat Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vikram Preet Arora, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.160 dated 23.12.2014 under Section 306 IPC, registered at Police Station Bassi Pathana, District Fatehgarh Sahib.

Learned counsel for the petitioner places reliance on an order dated 12.08.2015 passed by this Court in CRM-M-26038-2015 (Gurcharan Kaur Vs. State of Punjab), whereby co-accused of the petitioner was granted the benefit of bail. He further submits that wife of the petitioner died after 09 years of marriage. There are two children, out of this marriage and both are staying with the petitioner. He also submits that since the prosecution evidence is still going on and conclusion of trial will take long time. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Baljinder Singh, Police Station Bassi Pathana, District Fatehgarh Sahib, submits that since the petitioner is the main accused, being husband

of the deceased, he is not entitled for bail pending trial. He further submits that allegations are direct and serious. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, 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 bail pending trial. It is so said because out of total seven accused, five have already been found innocent by the investigating agency itself. This prima facie shows that the complainant has tried to implicate all the family members of the petitioner. It is also not in dispute that marriage took place 09 years ago. Children who were born out of this wedlock, are also living with the petitioner and his family members. Since prosecution evidence is still going on, conclusion of trial will take some time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant 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

14.09.2015
vishnu