

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33522 of 2014 (O&M)

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Date of decision:23.2.2015

Balwinder Singh

...Petitioner

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Ms. Satpreet Grewal Kapila, Advocate for the petitioner.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.3 dated 12.1.2014 (Annexure-P.1)
registered for the offence under Section 306 IPC at Police Station Dera
Baba Nanak, Police District Batala, District Gurdaspur.

Notice of motion has been issued in this case.

Mr. S.S. Chandumajra, learned Deputy Advocate General,
Punjab has put in appearance on behalf of the respondent-State and
contested this petition.

I have heard learned counsel for the petitioner and learned
Deputy Advocate General, Punjab appearing for the respondent-State and
have gone through the record.

FIR in the present case has been registered on the statement of Mangat Singh, who stated that his youngest daughter Palwinder Kaur was married to Balwinder Singh. After about 1½ years of marriage his daughter gave birth to a son, namely, Sehalspreet Singh, who is around 3½ years old. As per the allegations in the FIR, Palwinder Kaur was being harassed by his son-in-law Balwinder Singh, present petitioner as he mostly stayed with his sister Rani and he very rarely used to come to his daughter at Village Shahpur Jajan. This fact has been brought to the notice of the complainant and his family. On 10.1.2014 at about 4.00 p.m., Gurnam Singh, Mediator in the marriage of his daughter told him that Palwinder Kaur had consumed some poisonous substance and she had been taken to hospital for treatment. It is in the FIR that when the complainant went to the hospital, Palwinder Kaur was in semi-conscious state and after talking to him, she fell unconscious. At this stage, it is debatable whether this oral dying declaration was given by Palwinder Kaur to the complainant or not. Furthermore, in this case though challan has been presented and the trial is going on, but for the last one year and one month, the FSL report has not been received so far. Even today, learned State counsel has shown his inability to produce the FSL report and submitted that the FSL report has not been received so far.

In the facts and circumstances of the present case, I find that the petitioner is in custody since 19.1.2014. The petitioner is not required for interrogation or investigation purposes as he is in judicial custody. Nothing is to be recovered from him. The trial of the case will take long time. No

useful purpose will be served by keeping the petitioner in custody till the final disposal of the case.

Therefore, keeping in view the facts and circumstances of the present case, this criminal miscellaneous petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the trial Court/Duty Magistrate.

February 23, 2015.

(Inderjit Singh)
Judge

hsp