

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

CRM-M-40551 of 2015(O&M)

Date of decision : 04.12.2015

Raj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Arora, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.126 dated 28.09.2015, registered under Section 306 of the Indian Penal Code (for short 'the IPC') and Section 25 of Arms Act, at Police Station Division No.3, District Jalandhar.

Custody certificate has been filed in the Court, is taken on record.

The learned counsel for the petitioner contends that the deceased Subhash Chander husband of Manisha was a person with a bad antecedents, during his life time who had performed four marriages and the 4th marriage was performed during the subsistence of the 3rd marriage. The learned counsel for the petitioner states that the deceased Subhash Chander was also convicted in a case registered under Section 376/354 IPC at Police

Station Division No.3, Jalandhar. The main accused Manisha wife of the deceased has already been admitted to bail. The petitioner though had acquittance with the co-accused Manisha, however, there is no evidence on record which suggests that the petitioner is a paramour of wife of the deceased. The petitioner is in custody since 28.09.2015.

The learned State counsel states that the petitioner is the main accused and paramour of wife of the deceased Manisha, therefore, she opposes the present bail.

I have heard the learned counsel for the parties and perused the record.

In view of the fact that the co-accused Manisha has already been admitted to bail and in the absence of evidence which suggests that the petitioner is a paramour of wife of the deceased, no useful purpose would be served by keeping the petitioner behind the bars.

Accordingly, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds/surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.12.2015

ashok

(JITENDRA CHAUHAN)
JUDGE