

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Crl. Misc. No. M-43288 of 2014
Date of decision : 07.04.2015**

Simarjit Singh

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. M.S. Khaira, Advocate
for the petitioner**

Mr. V.P.S. Sidhu, AAG Punjab

ANITA CHAUDHRY, J.

The petitioner is seeking regular bail in FIR No. 84 dated 15.11.2013, registered at Police Station Bholath, District Kapurthala under Section 307/120-B IPC.

Heard.

A complaint was lodged by the minor child of the petitioner. The allegations were that petitioner had caused injuries to his wife. The incident had occurred in November 2013. The FIR was registered on the next day.

Learned counsel for the petitioner contends that the complainant as well as the injured have been examined and the trial is taking time and the only independent witness who remains to be examined is the minor child who is not being produced by Harjit Kaur. He states that an application under Section 311 Cr.P.C. has been moved and prosecutors are trying to delay the proceedings and earlier an application under Section 319 Cr.P.C. had been moved which had been dismissed by the Court. He further submits that the

petitioner was ready to abide by any condition that may be imposed and he was ready to give an undertaking.

The trial Court order shows that there were apprehensions in its mind that there would be threat to the minor son of the complainant, therefore, the bail plea was rejected. The petitioner is in custody since November, 2013. The proceedings of the trial Court have been placed on record which shows that the case was adjourned on two occasions to enable Harjit Kaur to produce her minor son Pawanpreet Singh. An application under Section 311 Cr.P.C. has now been filed by the prosecution when last opportunity had been granted to them to examine its witnesses. The trial is taking long time.

Without commenting on the merits of the case and considering the fact that the trial is taking time, the petition is allowed, the petitioner is ordered to be released on bail on his furnishing personal and surety bond to a sum of ₹ 1 lac to the satisfaction of the trial Court with a condition that petitioner would personally submit an undertaking before the trial Court that he shall not visit the house in which the complainant (son) and the wife are staying till the trial is over. The undertaking shall be submitted at the time of furnishing of bail bonds. The trial Court would summon the petitioner to enable him to furnish the undertaking.

The petition is disposed of.

April 07, 2015

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**(ANITA CHAUDHRY)
JUDGE**