

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

CRM No.M-33321 of 2016 (O&M)

Date of decision: 06.10.2016

Joginder Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Satinder Kaur, Advocate
for the petitioner(s).

Mr. Mehardeep Singh, Addl. A.G., Punjab
assisted by HC Kawaljit Singh.

Ms. Kamlesh, Advocate
Amicus Curiae for respondent No.2.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner(s) has sought regular bail in case FIR No.48 dated 11.06.2016, registered under Section 307 of the Indian Penal Code (for short 'the IPC') at Police Station Sadar Moga, Distt. Moga.

It is contended that the petitioner has been falsely implicated in the present case. The petitioner is in custody since 21.06.2016 and not involved in any other FIR.

On the other hand, the learned State counsel submits that the complainant remained hospitalized for four days and diagnosed to be a case

of sulphas poisoning. Vide order dated 26.07.2016, bail of the petitioner was dismissed by learned Sessions Judge, Moga primarily on the ground that the challan had not been filed.

The learned counsel for respondent No.2 states that the petitioner allegedly administered the poisonous substance to the complainant-respondent No.2/wife of the petitioner, as the wife did not accede to his request for money for buying the liquor. The petitioner is stated to be an alcoholic.

I have heard the learned counsel for the parties and carefully perused the entire record on file.

On the last date of hearing, the children and the complainant were directed to appear before this Court. The parties have been heard in person.

The petitioner is in custody since 21.06.2016. The challan stands filed. The petitioner is not involved in any other FIR. Four school going children have been residing at the mercy of the relatives of the petitioner whereas respondent No.2-complainant is residing with her parents. Keeping in view the fact that the four school going children have discontinued their studies and remained at the verge of starvation, in these circumstances, no purpose would be served in keeping the petitioner behind the bars, 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 and surety bonds, to the satisfaction of the trial

Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

06.10.2016

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No