

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-5756 of 2016

DATE OF DECISION: 24.02.2016

Raj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mrs. G.K. Mann, Advocate
for the petitioner.

Mr. T.N. Sarup, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 57 dated 26.2.2013 registered under Sections 304-B IPC (alternate charge under Section 302 IPC) at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has falsely been implicated in this case, whereas, he was not involved in the alleged offence in any manner. It was a case of suicide as the deceased was suffering from mental ailment. She was also taking medicine from the hospital for depression. There is one daughter also from the wedlock of the petitioner and the deceased, who was 9 months old at the time of death and has been kept with the relatives and no person is

there to look after her. No complaint was ever made by the deceased or her family member regarding demand of dowry or harassment. Co-accused of the petitioner, namely, Amarjit Singh, Ashok Kumar and Balbir Chand have already been released on regular bail. Two of the co-accused have been declared proclaimed offender and subsequently supplementary challan has been presented against them. The petitioner is in custody since 26.2.2013, trial will take long time to conclude and no purpose would be served in case he is kept behind the bars.

Learned counsel for the respondent-State has not disputed the factum of release of co-accused of the petitioner on regular bail and age of the daughter of the petitioner. It is also not disputed that subsequently supplementary challan has been presented and it will be a de novo trial.

Keeping in view the custody of the petitioner, which is approximately three years and the fact that co-accused of the petitioner have been released on regular bail; trial may take some time to conclude and no purpose would be served in case he is kept behind the bars, the petition is allowed. Petitioner-Raj Kumar is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

February 24, 2016
pooja

(DAYA CHAUDHARY)
JUDGE