

Criminal Misc. No. M- 1633 of 2017 (O&M)

Date of decision : November 01, 2017

Gurdeep Singh Fauji

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kamaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 93 dated 05.08.2016 under Section 306 IPC registered at Police Station Sangat, District Bathinda.

It is submitted that the petitioner, who was serving the Indian Army, has been falsely implicated in this case. In fact, a complaint prior to the registration of this case was moved by the petitioner on 02.05.2016 (Annexure P-3) before the Senior Superintendent of Police, Bathinda for protection of his life and property. It is specifically mentioned that the petitioner's wife (deceased) was having illicit relations with one Sonu @ Yatin. Reference is also made to a letter wherein the petitioner's wife admitted that she did not want to live with the petitioner and wished for a divorce. Two children born out of this wedlock were abandoned by the deceased after she developed the said alliance. It is submitted that marriage between the petitioner and the deceased was solemnised about eight years

prior to the unfortunate incident. Allegations of illicit relations of the petitioner have been falsely made by the complainant. Furthermore, the ingredients of Section 306IPC are not made out in this case. The petitioner has been in custody since 06.08.2016. The material witnesses i.e. the complainant as well as the maternal uncle of the deceased have since deposed before the learned trial Court. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State is unable to either deny or verify the submission of complaint dated 02.05.2016 (Annexure P-3). However, it is affirmed that the complainant as well as the maternal uncle of the deceased, in this case, have since deposed before the learned trial Court. Fourteen (14) prosecution witnesses are yet to be examined. The petitioner is not reported to be involved in any other criminal case. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

November 01, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No