

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

CRM-M No. 17604 of 2017(O&M)
Date of decision: 26.5.2017

Vicky

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Ms. Puja Chopra, Advocate for the petitioner.

Mr. Ankur Jain, AAG, Punjab.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No. 122 dated 09.06.2016 registered with Police Station Kotwali Patiala, District Patiala for offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860.

Counsel for the petitioner has submitted that the petitioner is in custody for the past about one year. As per allegations raised in the FIR, the petitioner and the deceased moved to her parental house and stayed there for 4/5 months and the petitioner came back to Patiala in his house about a month before the occurrence but with the consent of the complainant party. The deceased was dropped at his house in Patiala by mother of the deceased but the deceased was reluctant to come back. The deceased never complained of conduct of the petitioner when the petitioner and the deceased resided together in parental house of the deceased for 4/5 months. The allegations of the complainant that the deceased gave information to the complainant on mobile that she was being beaten by her husband, brother-in-law Rinku and sister-in-law Geeta, on the previous late

evening do not get support from the postmortem examination of dead body as there was no mark of assault/beatings. It is further submitted that after allowing application under Section 319 Cr.P.C. summoning additional accused, charge has been re-framed in April 2017, therefore, conclusion of trial is likely to take some time. The last submission made by counsel is that the petitioner is ready to face the proceedings in accordance with law.

Counsel for the State has not disputed the factual assertions being matter of record but opposed the prayer for bail.

Concededly, there will be denovo trial after summoning of the additional accused and framing of charge on 12.04.2017. None of the witnesses of the prosecution has been examined. There is no allegation against the petitioner that he is likely to flee from the process of justice, in case enlarged on bail.

In view of the above, without meaning to express any opinion on merits of the controversy, the petitioner shall be released on bail subject to satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

MAY 26, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no