

Criminal Misc. M- No. 2588 of 2017 (O&M)

Date of decision : April 28, 2017

Gurjant Singh

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. Rajpreet Singh Sidhu, AAG, Punjab.

LISA GILL, J.

Prayer is for bail pending trial to the petitioner in FIR No. 126 dated 25.08.2016 registered under Sections 304B, 34 IPC at Police Station Nehian Wala, District Bathinda.

The petitioner is the father-in-law of the deceased. It is submitted that the petitioner is over 65 years of age and has been falsely implicated only because of his relationship with the deceased. There are no specific allegations against the present petitioner. Omnibus allegations have been levelled. It is submitted that no child was born out of this wedlock though the deceased and the petitioner's son had been married for nearly 6½ years. The deceased used to remain depressed because of this reason. There was no demand of dowry whatsoever raised by the petitioner. The petitioner has been in custody since August, 2016. Statement of the complainant, it is submitted, has been recorded. An application under Section 319 Cr.P.C. has been moved by the prosecution for summoning the petitioner's married daughter. It is, thus prayed that this petition be allowed.

Learned counsel for the State submits that there are specific allegations against the petitioner. He did not intervene to stop the co-accused from harassing the deceased. It is, however, not denied that there is no complaint whatsoever regarding the harassment etc. being meted out to the deceased prior to the registration of the FIR. The deceased and the petitioner's son were admittedly married 6½ years prior to the incident in question. It is not denied that after examination-in-chief of the complainant, an application under Section 319 Cr.P.C. moved by the prosecution is pending. It is evident that the trial in this case is not likely to conclude in the near future. 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 bonds 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.

April 28, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No