

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

CRM-M-29100-2017 (O&M)
Date of decision : 05.09.2017

Naveen Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab,
assisted by ASI Balwinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking regular bail in FIR No.185 dated 14.05.2017, registered under Sections 302 and 304-B of the Indian Penal Code, at P.S. Zirakpur, Distt. SAS Nagar.

Contents that the marriage in the instant case between the brother of the petitioner, namely, Joginder Pal Yadav and the deceased was solemnized about six years ago, when the petitioner was unmarried. The petitioner's marriage was solemnized three years after the marriage in question. At the time of the incident, the petitioner had not been residing with the family of his brother. In fact, he has been residing in separate accommodation with his own family in the same locality. It is further contended that the petitioner was in no capacity to interfere in the matrimonial life of his brother and the deceased. The deceased, in fact, had

been suffering from some renal problem and the cause of death is not yet established. The co-accused, mother of the petitioner died in jail on 01.09.2017.

On the other hand, learned State counsel, on instructions, submits that the petitioner has been specifically named in the FIR. However, he fairly acknowledged the fact that the petitioner had been residing separately approximately three years prior to the incident

Heard.

The petitioner, who is brother-in-law of the deceased, had been residing separately with his own family. Neither the cause of death of the deceased has been established, nor clarification has come about the renal ailment suffered by the deceased. Though, the challan has been presented, but the charges are yet to be framed and 28 witnesses have been cited by the prosecution. Therefore, it can safely be inferred that the conclusion of the trial may take considerable time.

In view of the above, 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.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.09.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No