

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

Crl. Misc. No. M-45899 of 2016

Date of Decision : 23.05.2017

Daljit Singh alias Gagan

.... PETITIONER

Versus

State of Punjab

.... RESPONDENT

CORAM :- HON'BLE MRS. JUSTICE LISA GILL

Present : Ms. Gurdeep Kaur, Advocate, for
Mr. Sandeep K. Sharma, Advocate,
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 166 dated 27.09.2015 under Sections 306/34 IPC registered at Police Station Adampur, District Jalandhar City.

It is submitted that the petitioner has been falsely implicated in this case. He was married to the deceased in the year 2009. Two children were born out of this wed lock. The petitioner is being implicated merely on the basis of suspicion. No such complaint had ever been raised at any earlier point of time. The petitioner's wife, in fact,

committed suicide due to poor financial condition of the petitioner. The penury and financial hardship being faced by the petitioner is apparent from a perusal of the statements of PW1 Satnam Kaur (complainant), as well as PW2 Harbhajan Singh, annexed as Annexure P-1 (colly.). It is submitted that the petitioner has been in custody since September 27, 2015. The co-accused Gurwinder Kaur was afforded the benefit of bail pending trial by this Court vide order dated May 30, 2016 (Annexure P-2) passed in Crl. Misc. No. M-8564 of 2016. The material witnesses in this case have already been examined, therefore, this petition be allowed.

Learned counsel for the State, though opposing this petition, does not deny that the material witnesses, i.e. complainant Satnam Kaur (PW1) and Harbhajan Singh (PW2) have been examined in this case. It is informed by learned counsel for the State, on instructions from Gurpreet Singh ASI of Police Station Adampur, that out of eleven prosecution witnesses, five have been examined. The petitioner is not involved in any other criminal case.

There is no allegation on behalf of the State that the 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.

Keeping in view the facts and circumstances noted above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. The petitioner shall 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 clarified that none of the observations made herein above shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

May 23, 2017
ndj

(LISA GILL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes/No