

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Criminal Misc. No.M- 46590 of 2016(O&M)

Date of Decision: April 6 , 2017.

Krishan Chand and another PETITIONER (s)

Versus

State of Punjab RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. K.S.Brar, Advocate
for the petitioners.

Mr. Deep Singh, AAG, Punjab.

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?

LISA GILL, J.

The petitioners pray for bail pending trial in FIR No.40 dated 22.04.2016 under Section 304B IPC or in the alternative Section 306 IPC registered at Police Station City Sunam, District Sangrur.

It is submitted that there are vague and general allegations in the FIR. Petitioners are the parents-in-law of the deceased. Marriage of the deceased was solemnized with their son in the year 2011. No complaint regarding any harassment allegedly meted out to the deceased was lodged

since the year 2011 till 2016. Furthermore, the complainant has not supported the prosecution version in his cross-examination. PW2 Bhupinder Pal Sharma (brother of the deceased) and PW3 Smt. Shimla (mother of the deceased) have not supported the prosecution version. PW2 and PW3 have been declared hostile. Therefore, no case is made out qua the petitioners for the offence punishable Section 304B IPC or Section 306 IPC. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Satnam Singh, informs that ten (10) out of twenty six (26) prosecution witnesses have been examined. However, it is not denied that PW2 and PW3 have been declared hostile and the complainant has also not supported the prosecution case in his cross-examination.

The petitioners have been in custody since 22.04.2016. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping them incarcerated any longer in the facts and circumstances of this case.

There are no allegations on behalf of the State that the petitioners are likely to abscond or that they are likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by Krishan Chand and Sangeeta Rani is allowed. The petitioners shall be released on bail pending trial subject to their furnishing requisite bail bonds and surety bonds to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove 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.

April 6 , 2017.
'om'

(**LISA GILL**)
JUDGE

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