

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

Criminal Misc. No.M-12652 of 2018(O&M)

Date of Decision:May 01, 2018.

Jasvir Singh @ Kalu and another

Petitioners

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.B.S.Sodhi, Advocate
for the petitioners.

Mr. D.S.Sukarcharkia, DAG., Punjab.

LISA GILL, J.

Petitioners seek the concession of bail pending trial in FIR No.0039 dated 21.05.2017, under Section 306 IPC, registered at Police Station Mukandpur, District SBS Nagar.

It is submitted that the ingredients of offence punishable under Section 306 IPC are not made out against the petitioners. As per allegations in the FIR, complainant was telephonically asked by his wife (the deceased) to return home as some of their neighbourers and other persons of village Bairisiyan had come to beat her. The complainant returned home and saw a number of people gathered outside his house. His wife had set herself on fire. The complainant's wife recorded a statement to the effect that ten people had beaten her with pipes, caused injuries on her head and face. They locked her in a room and asked her to commit suicide. She thereafter poured petrol upon herself and set herself on fire. It is contended that a number of family members have been randomly named in the FIR. There is no history of earlier quarrel or altercation between the parties who are otherwise related to each other. There is nothing on record to show how

petrol was available in the locked room. Moreover, similarly situated co-accused have been afforded the concession of anticipatory bail by this Court on 01.03.2018 in CRM-M-1654 of 2018. The present petitioners are in custody. Final report under Section 173 Cr.P.C., has since been presented against them. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from ASI Inderjit Singh, verifies that final report under Section 173 Cr.P.C., has been presented. The petitioners are not reported to be involved in any other criminal 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 before the Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Jasvir Singh @ Kalu and Mandeep @ Deepu, is allowed. Petitioners be released on bail pending trial subject to their furnishing requisite bail bonds and surety 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.

01.05.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.