

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

CRM-M-15340 of 2018 (O&M)
Date of Decision:23.05.2018

Gurbalihar Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr.Vinod Bhardwaj, Advocate
for the petitioner.

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

Mr. Dr. Naresh Kaushik, Advocate
for respondent no.2.

LISA GILL, J(Oral).

Petitioner seeks the concession of anticipatory bail in FIR No.101 dated 05.12.2016, under Section 306 IPC, registered at Police Station Ghanour, District Patiala.

It is submitted that no offence punishable under the aforementioned provision is made out against the petitioner. Marriage between the petitioner and the deceased was solemnized in the year 2001. Two children were born out of this wedlock. There is nothing on record to show any harassment or ill-treatment being meted out to the deceased till the registration of the FIR. It is thus debatable whether the ingredients of Section 306 IPC are present in this case. It is therefore prayed that this petition be allowed.

Learned counsel for the complainant has not raised any objection to the grant of bail to the petitioner.

Learned counsel for the State, on instructions from ASI Balbir

Singh, verifies that the petitioner is not involved in any other criminal case. There are no allegations 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 as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed.

In the event of arrest of the petitioner, he be released on bail to the satisfaction of the Arresting/investigating Officer. The petitioner shall join investigation as and when called upon to do so. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

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.

23.05.2018
s.khan

[LISA GILL]
Judge

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