

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

CRM-M-17581-2018 (O&M)
Date of decision : 04.09.2018

Manjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Ms. Deepali Puri, Addl.A.G., Punjab
assisted by ASI Jaswinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant second petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.30 dated 11.05.2016, registered under Section 304-B of the Indian Penal Code (for short, 'the IPC') (alternate charge framed under Section 302 IPC), at P.S. Dera Baba Nanak, Police District Batala, District Gurdaspur.

Contents that it was second marriage of the parties. Both the families are manual labours and even as per the case of the complainant, only Rupees five thousand was given at the time of marriage. The child born out of the wedlock is being looked out by the parents of the petitioner. He is in custody since 11.05.2016. There is no history of demand of dowry or maltreatment to the deceased. There are contradictions and improvements in the statement of the complainant, PW-1, brother of the deceased who has also admitted in his cross-examination that no dowry was accepted in the marriage.

On the other hand, learned State counsel, on instructions,

submits that the petitioner is the main accused. The earlier bail petition was dismissed on the ground of the conduct of the petitioner as he ran away from the police custody but was immediately arrested by the officials on duty. However, she is unable to apprise the Court with regard to the status of the FIR bearing No.62 dated 13.05.2016, registered under Sections 223 and 224 IPC at P.S. City Gurdaspur.

Heard.

Considering the long period of custody suffered by the petitioner coupled with the facts that the status of FIR No.62 (*ibid*) is not known; the petitioner is not involved in any other FIR; he being a labourer, the old parents and the young child born out of the wedlock are on the verge of starvation; the studies of the child who is in the elementary class, are badly suffering; this Court feels that the prayer of the petitioner deserves to be allowed.

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 furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

04.09.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No