

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

CRM-M-25340-2018

Date of decision:-25.9.2018

Naib Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Anterpreet Singh, Advocate for
Mr.Gaurav Sharma, Advocate
for the petitioners.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition for regular bail has been filed by petitioners – Naib Singh and Chhota Ram, both of them being accused in FIR No.62 dated 9.7.2017, under Sections 306, 498-A, 323 IPC, registered with Police Station Khanauri, District Sangrur.

Briefly stated, the facts of the case, as per the prosecution story are that deceased Kiran was married with Naib Singh, a resident of Khanauri in the year 2015; the couple was blessed with a female child; she had conceived again; she used to be harassed and maltreated by her husband and his family members; that on 5.7.2017 at about 5:30 p.m., she

left the matrimonial home and on 8.5.2017 her dead body was found from Bhakra canal, village Rori (Sirsa); the dead body was taken to Civil Hospital, Sirsa for post-mortem examination and it was identified by the complainant Rajesh Kumar, brother of deceased Kiran. Formal FIR was registered on the basis of statement of complainant Rajesh Kumar for the offences under Sections , 306, 498-A and 323 IPC against Naib Singh – husband, Chhota Ram – father-in-law, Surjit Kaur – mother-in-law, Rupinder Kaur and Narinder Kaur – sisters-in-law of the deceased. Naib Singh and Chhotu Ram (present petitioners) were arrested in this case on 25.7.2018. They had filed an application for regular bail in the Court of Sessions but the same was dismissed by learned Additional Sessions Judge, Sangrur vide order dated 21.10.2017, therefore, the petitioners have approached this Court for grant of the similar relief.

Notice of the petition was given to respondent – State and counsel representing the State has put in appearance.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioners has pointed out that during the trial the complainant Rajesh - brother of deceased appearing as PW1, Shamsher Singh, an uncle of deceased appearing as PW2 and Rattan Singh father of the deceased appearing as PW4 have not supported the prosecution story as regards the deceased being harassed and maltreated by her husband and his family members in connection with demand of dowry and all of them were declared hostile witnesses. According to the learned counsel for the petitioners, the trial is going on

and its conclusion is likely to take some time, as such, the petitioners/accused be granted concession of regular bail.

On the other hand, the request is being opposed by the State counsel vehemently.

After hearing rival contentions, I find that since the material witnesses for the prosecution including complainant Rajesh have not supported the prosecution version and further the conclusion of trial is likely to take some time as the official witnesses are yet to be examined, it shall be in fitness of things, if concession of regular bail is granted to the petitioners/accused.

Accordingly, the petition is allowed. The petitioners be admitted to bail during the pendency of the trial, subject to their furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Sangrur, subject to the following conditions:

- (i) they shall appear in the Court on each and every date of hearing;
- (ii) they shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) they shall not leave India without prior permission of the Court and shall surrender their passports, if they have got ones, otherwise to furnish affidavit in that regard.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioners do not abscond and

interfere in the trial.

It may be mentioned here that nothing discussed hereinabove shall have any bearing on the merits of the case.

25.9.2018

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(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No