

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

CRM-M-28605-2017

Date of decision: 11.09.2018

Barinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. S.P.S. Sidhu, Advocate,
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Mr. P.S. Paul, Advocate,
for the complainant.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 17 dated 10.02.2016 under Sections 304-B/ 306 / 34 IPC, registered at Police Station Sadar Ludhiana, District Ludhiana.

Learned counsel appearing on behalf of the petitioner has submitted that a marriage was solemnized with the deceased about five years before the occurrence and out of this wedlock one male child, aged 4 years, was born and the custody of the said minor child is with his family. It is argued that the main dispute that arose between the parties was on account of the fact that she was in constant contact with another boy and were exchanging nude photographs and the WhatsApp messages. It is also

argued that the petitioner is in custody since 11.02.2016 while also contending that the trial is likely to take some time to conclude since only five witnesses have been examined and two have been given up, out of total 26 witnesses.

Ms. Rajni Gupta, learned Sr. DAG, Punjab opposes the grant of regular bail by contending that the WhatsApp messages and the allegation of exchange of nude photographs is not a part of the challan and no reliance could be placed on the aforesaid statement.

I have heard learned counsel for the parties.

In view of the fact that the petitioner is in custody since 11.02.2016 and only five witnesses have been examined out of total 26 witnesses, without going into the allegations and the counter allegations of this case, this Court deems it appropriate to allow the petition keeping in view the length of custody of the petitioner and the fact that statement of the complainant has since been recorded. Without expressing any opinion on merits of the case, the petitioner is ordered to be released on regular bail on furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, concerned subject to following terms:-

- (i) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (ii) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his

presence in accordance with law. In that eventuality the accused shall have to apply for bail afresh before the trial Court.

(iii) He shall not leave the country without the previous permission of the Court.

11.09.2018

Satyawan

Whether speaking/reasoned
Whether reportable

Yes.
No.

(JAISHREE THAKUR)
JUDGE