

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M- 33303-2018 (O&M)

Date of Decision: December 15, 2018

Jagsir Singh alias Jagga

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. J. S. Dhaliwal, Advocate
for the petitioner.
Mr. B.S. Sewak, Addl. A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.31 dated 02.04.2018, under Sections 302, 34 of Indian Penal Code, registered at Police Station Jhunir, District Mansa. Section 302 IPC has been deleted vide Rapt No. 21 dated 12.04.2018 and Section 306 has been registered in the present FIR , during the pendency of the trial.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 12.04.2018. It is submitted that the petitioner has been falsely implicated in the present case. It is contended that the petitioner had been earlier charged under Section 302 which is now deleted and Section 306 has been registered in the present FIR, during the pendency of the trial while further arguing that the marriage was solemnized between him and the deceased as far as 13 years ago and in the integrum no complain had been made by the complainant. It is also argued that the investigation in the matter is complete and the challan

has been presented while further submitting that out of the said wedlock there are two minor children, who need to be looked after and that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer oppose the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, he does not dispute the fact that the investigation in the matter is complete and the challan has been presented.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that that the petitioner herein has been in custody since 12.04.2018 and that the investigation in the matter is complete and the challan has been presented and keeping in view the fact that the two minor children are needed to be looked after and that there is no complaint/suicide note available, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without expressing any opinion on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

December 15, 2018

seema

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes
Yes/No