

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

**Crl. Misc.M-35538 of 2018
Date of Decision: 27.09.2018**

Ram Sharan

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.Dhawaljeet Dutta, Advocate
for the petitioner.

Ms.Seena Mand, DAG Punjab.

Mr.Dinesh Mahajan, Advocate
for the complainant

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.47 dated 23.07.2017, under Sections 306,34 of Indian Penal Code, registered at Police Station Kanwan, District Gurdaspur.

Learned counsel for the petitioner herein contends that the allegations as set out in the FIR are patently false. It is also submitted that the vicera report would show that there is no poisoning and that the deceased died due to asphyxiation/drowning. It is also contended that the petitioner herein is in custody since 30.10.2017 and the mother-in-law has already been granted bail vide order dated 03.08.2018 passed in CRM-M-7149-2018. It is also contended that the deceased was under depression on account of the fact that her brother had also committed suicide a short while

ago and she was under depression on this account. It is also contended that out of total 26 witnesses who are cited, no one has been examined as on date and conclusion of trial will take sufficient time, therefore, the petitioner who is the husband of the deceased is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, opposes the grant of regular bail to the petitioner, while submitting that the offences alleged against the petitioner are serious in nature. However, she does not dispute the fact that out of total 26 witnesses who are cited, no one has been examined as on date.

I have heard learned counsel for the parties and perused the record.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 30.10.2017, and that out of total 26 witnesses who are cited, no one has been examined as on date, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting 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.

(JAISHREE THAKUR)
JUDGE

27.09.2018
sunita

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