

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

Crl. Misc. M-42671 of 2018 (O&M)
Date of Decision: October 03, 2018

Gurlal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Rai, Senior Advocate with
Mr. Pratham Sethi, Advocate
for the petitioner.

Mr. Randeep Khaira, AAG 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.153 dated 15.11.2014, under Sections 302, 306, 304-B of Indian Penal Code, registered at Police Station Nehianwala, District Bathinda.

Mr. R.S. Rai, learned Senior counsel for the petitioner, assisted by Mr. Pratham Sethi, Advocate submits that the petitioner herein was taken into custody in the aforesaid FIR on 26.11.2014. It is argued that after the investigation that was conducted, challan was presented only under Section 306 of Indian Penal Code, however, the trial court has subsequently framed the charges under Sections 302, 304-B of Indian Penal Code as alternative charges, in addition to Section 306 of Indian Penal Code. It is submitted

that a detailed enquiry has been held in which various statements have been recorded and in the question that was posed to the petitioner, it has come out that the petitioner had got the deceased educated. At the time of marriage, she was having educational qualification of M.A. English, B.Ed. and subsequent thereto, during the year 2010-2011, she did her M.Ed. and thereafter, she also cleared TET examination in 2011. The petitioner himself was instrumental in getting her the government job. It is also argued that the income that she was getting from her teaching job, was actually realized by her brother and family members, and therefore, the case of demand of dowry would not be made out. It is also submitted that the only surviving child is with the parents of the petitioner. Apart from that, it is also contended that main material witnesses have already been examined, including the complainant and the doctor and the trial is likely to take sufficient time to conclude, since out of total 126 witnesses that have been cited, only 03 witnesses have been examined.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer opposes the grant of regular bail to the petitioner, while submitting that the offences as alleged the petitioner are serious in nature. However, does not dispute the fact that out of total 126 witnesses, 03 witnesses have been examined, including the material witnesses.

I have heard learned counsel for the parties.

Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 26.11.2014 and that statement of the material witnesses have been recorded, 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.

October 03, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No