

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

Crl. Misc.M- 42093-2017 (O&M)

Date of Decision: September 10, 2018

Baggu Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.S. Manaise, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

Ms. Surinder Kaur, 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- who is the father in law of daughter of the complainant in case FIR No. 126 dated 16.08.2017, under Sections 306, 304-B of Indian Penal Code, registered at Police Station Sadar Fazilka, District Fazilka.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 16.08.2017. It is submitted that the petitioner has been falsely implicated in the present case. It is also contended that only the challan has been presented and the material

witnesses have been examined. It is also argued that similar set of allegations were made against the Balwinder Singh Jeth, Veero Bai -mother-in-law and Kamlesh Rani-Jethani and they were found innocent in the police inquiry. It is also contended that as per the inquiry report the deceased took the poisonous substance in her own parental home and that conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel for the complainant opposes the grant of regular bail by arguing that the death took place within 09 months of the marriage while also disputed the fact that the deceased consumed the poison in her own parental home . It is argued that she was taken by the members of her family and then got admitted to the hospital where she ultimately died.

Learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer also opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature, however, she does not dispute the fact that challan has been presented and the statement of material witnesses have been recorded.

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 16.08.2017 and that challan has been presented and statement of the material witnesses have been recorded and that the husband of the deceased is in custody, 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.

September 10, 2018
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No