

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

**Criminal Misc. No.M-9163 of 2017(O&M)
Date of Decision: January 22, 2018.**

Sukhdev Singh

Petitioner.

Versus

State of Punjab

Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. A.P.S.Deol, Sr. Advocate
with Mr. Shaktipal Singh Mann, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

LISA GILL, J.

Petitioner seeks the concession of bail pending trial in FIR No.76 dated 12.09.2016, under Sections 302, 304-B, 120-B, 34 IPC, registered at Police Station Sadar, Bathinda.

Petitioner, is the father-in-law of the deceased. Marriage was solemnized between the petitioner's son and the complainant's daughter on 01.12.2013. A daughter was born out of this wedlock. The unfortunate occurrence took place on 11.09.2016. Cause of death were the injuries on the neck of the complainant's daughter. It is argued that even as per the allegations in the FIR, the petitioner instigated the co-accused-Kulwinder Singh (petitioner's

son) to illtreat and harass the complainant's daughter and Kulwinder Singh is alleged to have killed his wife on the instigation of the petitioner and other co-accused. Learned counsel submits that the petitioner's son was unfortunately addicted to drugs. The petitioner's son would often wander around aimlessly in his car for weeks together accompanied by his friends who were also addicted to drugs. It is due to this reason that the petitioner sold the car given at the time of marriage. The proceeds thereof were handed over to the brother of the deceased. Reference is made to Annexures P-4 and P-4/A. This was done with a view to reform the accused-Kulwinder Singh and prevent him from leaving his home. It is further argued that there are no specific allegations as far as the present petitioner is concerned except instigation of the co-accused-Kulwinder Singh. The petitioner has been in custody since September, 2016. The prosecution witnesses, it is submitted are not coming-forward for recording of their testimonies. Only, two prosecution witnesses have been examined till date. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Randhir Singh, verifies that only two prosecution witnesses have been examined till date. The petitioner, who is not reported to be involved in any other case has been in custody since September, 2016. No overt act leading to the death of the complainant's daughter has been attributed to the present petitioner.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail. Trial in this case is not likely to conclude in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Sukhdev Singh, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

22.01.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.