

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

219

**Crl. Misc.M-9680 of 2018
Date of Decision:03.08.2018**

Kimti Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr.T.S.Sangha, Senior Advocate with
Mr.Narinder Singh, Advocate
for the petitioner.

Ms.Seena Mand, DAG 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.221 dated 27.08.2017, under Section 306 of Indian Penal Code, registered at Police Station City Khanna, District Khanna.

Learned counsel for the petitioner contends that the allegations as set out in the FIR are not sustainable. In fact, the petitioner herein made every effort to save life of the deceased after she set herself on fire by pouring kerosene oil upon herself. He first took her to Civil Hospital, Khanna and thereafter to Rajindra Hospital, Patiala, from where she was referred to PGI Chandigarh. It is only subsequent thereto, she expired. It is also argued that the material witness i.e. the sister of the deceased has since been examined. Learned counsel for the petitioner contends that the petitioner herein is in custody in the aforesaid FIR since 18.09.2017. It is

submitted that the petitioner has been falsely implicated in the present case and 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, opposes the grant of regular bail to the petitioner by submitting that the petitioner herein is involved in the heinous crime and charged under Section 306 IPC. The regular bail had been denied to the petitioner herein by the Addl.Sessions Judge, Ludhiana, on 19.01.2018 by taking note of the fact that the charges framed against the petitioner and material witnesses were yet to be examined. Since then, out of 12 witnesses, statement of only one witness that is the material witness has been recorded.

I have heard learned counsel for the parties and perused the pleadings on 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 18.09.2017, that out of total 12 witnesses only one witness has been examined, 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

03.08.2018

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Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No