

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

CRM-M-4305-2019 (O&M)
Date of decision : 05.02.2019

Hardev Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Kartar Singh, Advocate for the petitioner.

Mr. Vikas Mohan Gupta, Addl.A.G., Punjab,
assisted by HC Jagsir Singh.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been preferred under Section 439 Cr.P.C. seeking bail in FIR No.4 dated 16.01.2017, registered under Section 306 of the Indian Penal Code, at P.S. Bhikhi, Mansa.

Contents that the petitioner is a poor mason. The deceased, Gurmeet Kaur, used to be in depression as despite four years of marriage, no child had been born in the family. He is in custody since 18.01.2017. The trial is not progressing as not even a single witness has been examined so far.

On the other hand, learned State counsel, on instructions, submits that the petitioner is the main accused. The deceased died due to burning.

Heard.

This is the second bail petition moved by the petitioner. The first petition was dismissed as withdrawn. As per the custody certificate furnished by learned State counsel in the Court today, the petitioner has

undergone 02 years and 13 days. The trial has not progressed as till date, not even a single witness has been examined. The petitioner cannot be kept in incarceration for indefinite period. The petitioner is not involved in any other FIR.

Therefore, this Court feels that the long period of incarceration is a fresh circumstance in favour of the petitioner at this stage.

In view of the above, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds and surety bonds, to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

Further, keeping in view the nature of allegations and the period of incarceration, the trial Court is directed to conclude the trial expeditiously, preferably, within a period of six months from the date of receipt of a certified copy of this judgment.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

05.02.2019

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No