

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

CRM-M No.14714 of 2019
Date of decision: 8th April, 2019

Saun Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Gurmeet S. Saini, Advocate for the petitioner.

Mr. A.S. Sandhu, Addl. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Saun Singh in this first regular bail application under Section 439 Cr.P.C. in case bearing FIR No.126 dated 21.08.2018 under Sections 326B, 323, 506, 511, 148, 149 IPC pertaining to Police Station Makhu, District Ferozepur, have been levelled by Mandeep Kaur wife of the petitioner. The complainant claims that the couple was married on 03.02.2018. The wife could not conceive and was often taunted for not bearing a child. It is alleged that family of the accused with the intention to put an end the life of the complainant had sprinkled kerosene oil on her leading to registration of the present case.

Learned counsel for the petitioner Mr. Gurmeet Singh Saini inter alia contends that the petitioner is behind bars for more than two months and that a bare perusal of the allegations reveals that no offence is made out whatsoever against the petitioner.

Learned State counsel Mr. A.S. Sandhu, Addl. Advocate General, Punjab on instructions from ASI Surjit Singh, Police Station Makhu, District Ferozepur though could not displace the facts brought to the notice of this Court by learned counsel for the petitioner, but has opposed grant of the relief on the grounds that if allowed bail the petitioner might influence the trial.

Going through the submissions of the two sides and keeping in view the evidence that has been brought before this Court as well as the allegations levelled, a debatable issue arises over the very applicability of offences punishable under Sections 326B and 323 IPC, which can only be adjudicated at the trial which is not likely to conclude in the near future. The petitioner is behind bars for a long time. In view thereof, this Court is of the opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Ferozepur. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

April 8, 2019

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No