

CRM-M-15421-2019

Date of Decision : 24.07.2019

Gursewak Singh @ Gabru

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Ashish Aggarwal, Advocate
for the petitioner.Mr. H.S. Grewal, Addl.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.58 dated 29.04.2016 filed under Sections 304-B and 34 of the Indian Penal Code registered at Police Station Bhikhiwind, District Tarn Taran.

The allegations against petitioner-Gursewak Singh @ Gabru have come about by complainant-Balkar Singh who happens to be the father of deceased, Kanwaljeet Kaur. The allegations are that the marriage between the couple took place in the year 2014 and due to matrimonial

dispute, the allegations of demand of dowry have come about and the deceased died an unnatural death on 29.04.2019 by means of hanging.

Learned counsel for the petitioner has argued that though the charges in this case were framed on 01.10.2016 and till date, only one prosecution witness has been examined and the petitioner has already undergone incarceration for more than 03 years and 03 months and that the trial is not likely to be concluded as prosecution have not been examined.

On behalf of the State, the learned State counsel, assisted by SI Balwinder Singh, Police Station Bhikhiwind, District Tarn Taran, does not displace the facts that have been canvassed at the bar by learned counsel for the petitioner but has opposed the grant of bail on the grounds that being a principal accused, there is every likelihood that petitioner would stifle the trial, if allowed bail.

Going through the submissions of the two sides and as co-accused/mother of the petitioner, namely, Balbir Kaur was allowed regular bail by this Court vide order dated 31.08.2017 (Annexure P-1) and keeping in view the fact that the petitioner has already undergone the period of incarceration of more than 03 years and 03 months and only one prosecution witness has been examined so far, which is conceded too by the learned State counsel, the prosecution is unable to examine the witnesses in spite of best efforts of the learned Trial Court, thus, without feeling necessity to advert on the merits of the case, thus, culpability, if any, shall be determined at the trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody. Accordingly, he is ordered to be

released on regular bail on heavy Bail Bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaq Magistrate of the Court concerned.

The petition stands disposed off accordingly.

24.07.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No