

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

**Criminal Misc. No.M-16672 of 2019 (O&M)
Date of Decision: 02.12.2019**

Jagtar Singh @ Siso

...Petitioner (s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. J.S. Bhullar, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

CRM-31307-2019:

The application is allowed, as prayed. Statement of PW-1 Pritam Kaur (Annexure P-4) is taken on record subject to all just exceptions.

Criminal Misc. No.M-16672 of 2019:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.72 dated 03.07.2017 under Section 306 IPC registered at Police Station Sarhali, District Tarn Taran.

Learned counsel for the petitioner has argued that the petitioner is in custody since 05.12.2017. The aforesaid FIR was registered at the behest of Pritam Kaur, who is maternal grandmother (*nani*) of deceased - Sofia. Sofia used to reside with the complainant. He has

referred to the statement of PW-1 Pritam Kaur, complainant, wherein she has stated that she has not made any statement against the petitioner. Neither any suicide note was recovered nor the same was produced by the complainant to the police. Sofia was illiterate and was unable to write even a single word. He has further argued that in her examination-in-chief, the complainant has added some new accused in the case and thereafter, the case was adjourned, enabling the prosecution to move an application under Section 319 CrPC.

Learned State counsel does not dispute the custody of the petitioner. However, he submits that in absence of any other document in writing, in the hand of the deceased, the suicide note could not be sent for comparison.

Having heard learned counsel for the parties and considering the fact that the petitioner is in custody since 05.12.2017 and trial in the case is not likely to be concluded in near future, as out of 12 witnesses cited by the prosecution, only 2 witnesses have been examined so far and in her examination-in-chief, the complainant Pritam Kaur has not supported her own version, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of bail bonds/surety bonds to the satisfaction of trial Court.

December 02, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No