

249.

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

CRM-M-41957-2019

Date of decision: 22.10.2019

NARESH KUMAR

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Balbir Singh Jaswal, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner, pending trial, in case FIR No.63 dated 07.07.2019 registered under Section 306 of IPC at Police Station D Division, District Amritsar.

Counsel for the petitioner states that the marriage of the petitioner was solemnized with the deceased-Sanjna in the year 2006 and out of this wedlock, they have 2 sons, who were of 11 years and 7 month old at the time of her death. The petitioner was arrested on 08.07.2019 and since then, he is in custody. He refers to the medical record (Annexure P-2) of the deceased to contend that the deceased was taking treatment from Dr. Prabhjeet Singh, Consultant Neurophysician, as she had suicidal thoughts in her mind. He also refers to the prescription slip dated 19.03.2019 issued by Dr. Amandeep Singh Malhari, Physiologist Consultant and states that the deceased had died because of hanging.

Learned State counsel, on instructions from SI Jaspal Singh, does not dispute the custody. However, he states that as per the opinion of the doctor, the cause of death in the case will be declared after receiving the chemical examiner report and said report is awaited.

I have heard counsel for the parties.

Admittedly, the petitioner is in custody since 08.07.2019. The chemical examiner report in the case is awaited. The marriage between the parties was solemnized in the year 2006 and they have two sons, the elder one was of 11 years and the younger son was of 7 months at the time of death of Sanjna. Both the sons are staying with the younger brother of the petitioner.

In view of above, in the absence of chemical examiner report and considering the fact that the petitioner is in custody since 08.07.2019 and trial in the case is not likely to be concluded in the near future, this Court deems it appropriate to admit the petitioner on bail.

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

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

22.10.2019
sanjeev

Whether speaking/reasoned
Whether Reportable:

Yes/No.
Yes/No.