

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

218

**CRM-M-51483-2019**  
**Date of decision: 09.12.2019**

Babu Ram

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Anureet S. Sidhu, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab.

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**ARUN KUMAR TYAGI, J (ORAL)**

The petitioner has filed the present first petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.100 dated 20.06.2019 under Sections 302 and 120-B of the Indian Penal Code, 1860 registered at Police Station Pasyana, District Patiala.

Mr. Arun Kaundal, DAG, Punjab along with ASI Randhir Singh, Police Station Pasyana has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned counsel for the petitioner and learned State counsel and gone through the record.

Learned counsel for petitioner has argued that the petitioner is alleged to have conspired with his son co-accused Harbabjit Singh for murder of his wife who is alleged to have thrown himself and his wife Surjit Kaur in Bhakhra Canal with scooter on which they were travelling and to have thereby murdered his wife by consequential drowning in furtherance to the said conspiracy which is

claimed to have been evidenced by making of telephonic call by the petitioner to his son co-accused Harabjit Singh immediately before his departure from his in-laws house. The petitioner had made the above said call out of his anxiety regarding return of his family members to the house. The petitioner has been falsely implicated and there is no evidence against him regarding his involvement in the crime. The petitioner is ready to comply with the terms and conditions regarding his appearance before the Court and no useful purpose will be served by his detention in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner conspired with his son Harabjit Singh who in furtherance of that conspiracy murdered his wife Surjit Kaur by drowning her in Bhakhra Canal. The petitioner does not deserve the concession of regular bail. Therefore, the petition may be dismissed.

In the present case co-accused Harabjit Singh is alleged to have murdered his wife Surjit Kaur by throwing the scooter on which he was travelling with his wife into Bhakhra Canal resulting in consequential drowning of his wife. The petitioner is alleged to have conspired with his son for the commission of the above said offence and to have made telephonic call to him.

Keeping in view the facts and circumstances of the case, role attributed to the petitioner, who is aged about 59 years, the fact that adjudication of his guilt or innocence on the basis of evidence to be produced before the Trial Court is likely to take long time and that no useful purpose will be served by his further detention in custody during

trial but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of bail bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate, Patiala.

**09.12.2019**

Vinay

**(ARUN KUMAR TYAGI)**  
**JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No