

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

**CRM-M No.19265 of 2019
Date of Decision.04.02.2020**

Harbans Singh @ Harmesh Singh

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Mr. Randeep Tanwar, Advocate for
Mr. Padam Kant Dwivedi, Advocate
for the complainant.

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JAISHREE THAKUR J. (ORAL)

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.33 dated 30.03.2017 under Sections 302, 304-B, 149 IPC registered at Police Station Sadar Fazilka, District Fazilka.

2. Learned counsel for the petitioner would contend that petitioner is none other than the brother-in-law of the deceased and is in custody since 14.04.2017. Anticipatory bail has already been allowed to husband of the deceased, who was implicated but found to be on duty on the date of alleged occurrence. It is argued that the question would arise as to who was the perpetrator of the crime, since no poison was detected in her system and it was found that she died on account of asphyxia. It is also argued that trial is likely to take some time to conclude, as only four witnesses have been examined out of 14, therefore, petitioner is entitled to

be enlarged on bail.

3. Per contra, learned counsel appearing on behalf of the respondent-State opposes the bail application, while contending that the offences alleged against the petitioner are serious in nature and therefore, he is not entitled to concession of regular bail.

4. I have heard learned counsel for the parties.

5. Since the trial court is likely to take some time as statements of only four out of fourteen witnesses have been recorded and in view of the fact that the petitioner is in custody for a considerable length of time, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein is not to affect the merit of the case.

(JAISHREE THAKUR)
JUDGE

February 04, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No