

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27143-2020 (O&M)
Date of Decision:-18.12.2020

Mohd. Salman Khan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Monty Goyal, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.132 dated 4.6.2019 at Police Station GRP Ludhiana, District Ludhiana under Section 302 of Indian Penal Code.
2. The FIR was lodged at the instance of wife of the petitioner namely Smt. Mosam Khatoon, wherein it is alleged that while she does cleaning work at various shops, her husband is an addict and used to forcibly take her earnings. It is further alleged that whenever the complainant used to go for work she used to take her child namely Mohammad Sartaj aged about 2½ years alongwith her. However, on 4.6.2019 she left her child with her husband and went to work and when she returned back, she saw her husband coming from the other side of a road, and when inquired about the

whereabouts of her son, he replied that he was sleeping at home since morning. When the complainant returned home she saw that her son was lying unconscious and she immediately took him to hospital but he was declared dead. The complainant suspected that her son had been killed by her husband namely Mohd. Salman Khan i.e. by the petitioner.

3. The learned counsel for the petitioner has submitted the petitioner has falsely been implicated in the present case and that there is no evidence to connect him with the alleged death of the deceased and that he has been falsely implicated as he was an addict and his wife did not like him. It has further been submitted that, in any case, as of now when the complainant was examined during the proceedings of trial she did not support the case of prosecution as would be evident from her statement Annexure P-3.
4. Opposing the petition, the learned State counsel has submitted that since it is a case where the deceased was found to be sustaining an injury on the head and the petitioner is specifically named in the FIR, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last about 1 year and 5 months and is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the complainant has resiled from her statement when she stepped into the witness box and that the petitioner, in any case, has been behind bars since the last about 1 year and 5 months and conclusion of trial is likely to take some more time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail

bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.12.2020

pankaj

(Gurvinder Singh Gill)

Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No