

CRM-M-25723-2019

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

**CRM-M-25723-2019 (O & M)
Date of Decision:13.01.2020**

Gurmail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Arshdeep Singh Brar, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Amaninder Singh Sekhon, Advocate,
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Petitioner has filed this petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.45 dated 20.03.2017, registered at Police Station City Faridkot, District Faridkot, under Sections 307 and 120-B IPC (Section 302 IPC added subsequently after deleting Sections 307 and 120-B IPC).

Learned counsel for the petitioner contends that in his first statement, the complainant could not recognize the petitioner, rather it was in the supplementary statement, though recorded on the very same date, the name of the petitioner has been mentioned. It is a case in which the occurrence took place on 17.03.2017. Joginder Kaur (since deceased) was got admitted in the hospital on the said date i.e. 17.03.2017 and she was

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discharged on 12.04.2017, whereas she died on 24.04.2017. The petitioner has been in custody since 20.08.2017.

On the other hand, learned State counsel and the learned counsel for the complainant oppose the prayer made in the present petition. However, the learned State counsel, on instructions from ASI Jaijeet Singh, states that out of 28 prosecution witnesses, none has been examined as in an application filed under Section 319 Cr.P.C., son of the petitioner had been summoned.

I have heard learned counsel for the parties.

Challan has already been presented. The petitioner has been in custody since 20.08.2017. The trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping him behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

13.01.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

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