

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

(through video conferencing)

CRM-M-33715-2020
Decided on : 03.11.2020

Rehmudin

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.269 dated 15.09.2018 U/s 302, 306, 316, 148, 149 IPC at Police Station Dakha District Ludhiana Punjab. (FIR registered under section 302 IPC but Challan presented U/s 306 IPC).

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question on the basis of a concocted and false story. It has been submitted that no complaint was ever made by the family of the deceased wife against the petitioner during the preceding nine years ever since they had been married. It has been further submitted that the delay of seven days in lodging the FIR lends credence to his false implication, more so, as the complainant was very much present at the time when the proceedings under Section 174 Cr.P.C. were conducted and the complainant did not even utter a single word against the petitioner.

He further submits that a perusal of the FIR reveals that the complainant

stated that he had come to know from his sources that the deceased had been subjected to physical assault by the petitioner leading to her death, however, there was no corresponding injury found on the person of the deceased during the postmortem, which could substantiate the said fact. Hence, a prayer has been made for extending the concession of regular bail to the petitioner as he has been in custody since 01.10.2018 and only 02 out of the 14 prosecution witnesses cited so far have been examined.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He has conceded that only two prosecution witnesses have been examined so far.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 01.10.2018, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

03.11.2020

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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No