

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-48467-2019

Date of Decision: 07.02.2020

Gurmukh Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Vishesh Dogra, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner- Gurmukh Singh, has prayed for grant of regular bail in case FIR No. 63 dated 04.04.2017 registered under Section 307 read with Section 34 IPC (Section 302 IPC added lateron) at Police Station Goraya, District Jalandhar.

According to prosecution, in the day time of 31.03.2017, petitioner, his wife-Kulwinder Kaur, son-Parminder Singh and father-Jarnail Singh, set ablaze Gursharan Kaur, his sister-in-law, while she was working in kitchen by pouring kerosene oil. Later on, Gursharan Kaur, expired during her treatment on 06.04.2017. The incident was culminated into aforesaid FIR.

Learned counsel *inter alia* contends that out of four named accused, Kulwinder Kaur and Parminder Singh, wife and son of

petitioner, respectively, were found innocent. Petitioner is in custody since 27.01.2018, i.e. more than last two years. After summoning of two co-accused of petitioner i.e. his wife and son, under Section 319 Cr.P.C., as additional accused, fresh charges have been framed by the trial Court. Therefore, the trial has become *de novo* after framing of fresh charges. Conclusion of trial may take a long time, inasmuch as, as on date, only one witness has been examined by the prosecution. No useful purpose would be served by detaining him in jail. Nothing has to be recovered from him.

On the other hand, learned State counsel vehemently opposed the submissions of learned counsel for the petitioner.

Considering overall facts and circumstances, but without expressing any opinion on the merits of case, the petition is allowed. Consequently, petitioner-Gurmukh Singh, is ordered to be released on bail pending trial, if, not required in any other case, on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

February 07, 2020

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(RAMENDRA JAIN)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No