

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

CRM-M-48526-2019

Date of decision : 11.02.2020

Roshan Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sunil Kumar Dhanda, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab
assisted by SI Gurtar Singh.

MANJARI NEHRU KAUL, J (ORAL)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.20, dated 23.03.2019, under Sections 306 and 34 of IPC, registered at Police Station S.G.N. Dev Thermal, District Bathinda.

2. Learned State counsel, on instructions from SI Gurtar Singh, submits that 3 out of 23 prosecution witnesses cited including the complainant have been examined till date. On a query put to the learned State counsel qua exchange of whatsapp messages between the petitioner and the deceased, this Court has been apprised that no such fact is reflected in the challan which was presented before the trial Court.

3. Learned counsel for the petitioner submits that the basic ingredients to attract the mischief of Section 306 are clearly amiss in the case in hand. A perusal of the FIR reveals that it was the co-accused-Suman, who had pressurized the deceased to develop illicit relations with the petitioner and she had since been granted the concession of regular bail vide order dated 01.06.2019 by the learned trial Court.

4. Having considered the submissions made by either side, further detention of the petitioner will not serve any useful purpose as the trial is unlikely to conclude in the near future. The petitioner has been admittedly behind bars admittedly since 24.03.2019, i.e. for about eleven months. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

11.02.2020

Dinesh

**(MANJARI NEHRU KAUL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No