

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

CRM-M-7617-2021

Date of Decision:-9.3.2021

Kala Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Gurdarshan Singh Sidhu, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana
assisted by SHO Sumeet Singh.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in a case having FIR No.98 dated 6.8.2019
registered under Sections 302, 120-B IPC at Police Station Baragudha
District Sirsa.

The State counsel has filed status report by way of affidavit of
Mr. Nitish Agarwal, IPS, Assistant Superintendent of Police, Kalanwali,

District Sirsa in compliance of order dated 1.3.2021 passed by this Court, the same is taken on record.

I have heard the counsel for the petitioner, State counsel and gone through the aforesaid status report.

The counsel for the petitioner contended that the petitioner was taken into custody on 6.8.2019 in the present case on the basis of FIR registered against him by his father-in-law namely Amrik Singh alleging that the petitioner committed murder of his wife Sukhdeep Kaur on 6.8.2019. It is further contended that during trial said Amrik Singh failed to support the case of the prosecution. Even the brothers of the deceased namely Gurcharan Singh and Balkaran Singh were also declared hostile during the trial and both of them stated that their sister Sukhdeep Kaur was having cordial relations with her husband namely Kala Singh (petitioner). The counsel for the petitioner further contended that as the material witnesses have resiled, no purpose will be served by detaining the petitioner in custody for any further period. The counsel for the petitioner further contended that the petition be allowed accordingly.

On the other hand, the State counsel while contesting the bail application, admitted the fact that all the three material witnesses failed to support the case of prosecution during the trial. The State counsel further contended that during investigation, the weapon of offence was recovered at the instance of the petitioner and the same was found to be blood-stained. The State counsel further submitted that the petitioner is not entitled for grant of bail at this stage when the trial is going on.

I have considered the submissions made by the counsel for the petitioner and the State counsel.

The present case is based on circumstantial evidence and is relating to death of Sukhdeep Kaur wife of the petitioner. The FIR in this case was registered on the basis of statement of Amrik Singh, father of the deceased in which he alleged that his daughter was murdered by the petitioner. However, while appearing in the witness box, he back-tracked from his previous statement and denied having made any such statement to the police. Even the brothers of the deceased while appearing in the witness box were declared hostile.

The petitioner is in custody since last 1 year and 6 months. Due to prevalent COVID-19 situation, till date only 11 PWs out of total 21 Pws have been examined. It will take considerable time for culmination of the trial. All the private witnesses cited by the prosecution have already been examined and only official witnesses whose detail is given in the status report remain to be examined.

In the light of above, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail and surety bonds to the satisfaction of CJM/Duty Magistrate, Sirsa.

(KARAMJIT SINGH)
JUDGE

9.3.2021
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No