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

**CRM-M-12707-2021**

**Date of Decision: 25.03.2021**

**Gopal Singh .....Petitioner**

**Versus**

**State of Punjab..... Respondent**

**CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

...

**(through video conferencing)**

Present: Mr. Jashandeep Singh Sandhu, Advocate  
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

...

**MANJARI NEHRU KAUL, J. (Oral)**

This is second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 146 dated 02.12.2019 under Sections 302, 120B, 498A and 34 IPC registered at Police Station Cantt. Bathinda, District Bathinda.

At the outset learned counsel for the petitioner requests for adding section 304-B IPC in the prayer clause of the petition as the same was added later on.

On oral request of the petitioner, Section 304-B IPC is added in the head note and prayer clause of the petition. Registry is directed to make necessary correction.

Learned counsel for the petitioner contends that a perusal of the contents of the FIR clearly reveal that the petitioner, who is the husband of the deceased, was not at the place of occurrence when the deceased Rajni @ Lakshmi was found lying dead on the bed inside their house. It has been submitted that in fact it was the co-accused Sham Singh and Ram Singh, brothers of the petitioner, who came out of the house of the petitioner holding electricity wires along with the daughter of the deceased when the complainant knocked at the door on hearing some commotion. The learned counsel submits that the contents of the FIR clearly reveal that the petitioner who is serving in the Army was not even at the place of occurrence at the time of the alleged incident as he was on duty at Bathinda Cantt. and hence could not be even remotely linked to the alleged crime. Learned counsel further submits that the petitioner is behind bars since 04.12.2019 and the trial is not likely to conclude in the near future.

*Per contra* the learned State counsel, on instructions from ASI Karanjit Singh, has not been able to controvert the submissions made by the counsel for the petitioner qua the petitioner not being present at the place of occurrence nor any allegation having been levelled against him by the complainant.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the petitioner has been in custody since 04.12.2019 and no useful purpose would be served by keeping him behind bars as the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail. The petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However,

it is made clear that any observation made herein shall not be construed as an expression of opinion on the merits of the case.

25.03.2021  
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( MANJARI NEHRU KAUL)  
JUDGE

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|----------------------------------------|----------|
| <b>Note:</b> Whether speaking/reasoned | Yes / No |
| Whether Reportable:                    | Yes / No |