

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

201

**CRM-M-17290-2021
Date of Decision: 28.05.2021**

Vijay @ Vijay Lambha

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Bhupinder Malik, Advocate for petitioner.

Mr. Mehardeep Singh, Additional Advocate General, Punjab.

Lalit Batra, J.(Oral)

Case has been taken up for hearing through Video Conferencing.

Present petition under Section 439 Cr.P.C is for grant of regular bail to petitioner-**Vijay @ Vijay Lambha** in case FIR No.63 dated 11.03.2021 under Section 306 IPC read with Section 34 IPC, registered at Police Station City Muktsar, District Sri Muktsar Sahib.

Learned counsel appearing for the petitioner *inter alia* contends that version, as alleged in the FIR, is totally concocted one and there is no iota of truth therein. He further urges that Jatinder Kumar (since deceased) was married to co-accused Savita Rani, sister of petitioner, about 10 years back and they are blessed with two children. He further urges that petitioner is serving in Indian Army for the last 16 years and at the relevant time, he

was attached with his unit. He further submits that as a matter of fact, petitioner used to help the family of his brother-in-law Jatinder Kumar (since deceased) financially as latter was not so much educated and he used to work as a Helper in a General Store. He further urges that since petitioner was attached with his unit since 13.12.2020, as is evident from certificate (Annexure P/3), he never indulged in the act of any abetment or instigation and that too to abet or instigate his sister against her husband Jatinder Kumar (since deceased). He further urges that since petitioner was helping the family of his sister as Jatinder Kumar (since deceased) was not financially sound, question of abetting or instigating him (Jatinder Kumar) to commit suicide by the petitioner, did not arise at all. He further urges that as soon as petitioner came to know about the death of his brother-in-law (Jatinder Kumar), he left his unit on 11.03.2021 and immediately thereafter, he was arrested. He further urges that petitioner is in custody since 11.03.2021 and he is no more required by the Police for any investigation purpose. He further submits that after completion of investigation, final report under Section 173 Cr.P.C. (*Challan*) has already been presented in Court. He further urges that since trial of the case would take sufficient time to conclude, no useful purpose would be served by keeping the petitioner in custody further and he may be released on bail.

On the other hand, learned State counsel while opposing instant petition has vehemently argued that keeping in view seriousness of offence, petitioner does not deserve the concession of bail.

I have heard learned counsel for the parties and have carefully gone through the contents of petition.

At this stage, without commenting anything on the merits of the case lest it may prejudice the outcome of the trial but taking into consideration the fact that petitioner is in custody since 11.03.2021; that petitioner is no more required by the Investigating Agency for investigation purpose; that *challan* has already been presented in Court and since trial of the case would take sufficient time to conclude, no useful purpose would be served by detaining the petitioner in custody further, thus, he deserves the concession of bail.

In view of above, instant petition for grant of regular bail moved by petitioner-**Vijay @ Vijay Lambha** is allowed and he is ordered to be released on bail on his furnishing personal bond and surety bond to the satisfaction of Trial Court/ Chief Judicial Magistrate/Duty Magistrate, Sri Muktsar Sahib, as the case may be.

(LALIT BATRA)
JUDGE

28.05.2021

Varinder Prashad

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No