

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM No. M-18686-2021

Date of Decision : 11.05.2021

Jagdamba Parshad

....Petitioner

Versus

The State of Punjab

.....Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Charanpreet Singh, Advocate for the petitioner.

Mr. Manreet Singh Nagra, A.A.G., Punjab.

Harsimran Singh Sethi, J. (Oral)

Custody certificate of the petitioner has been filed in Court today. The same is taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in FIR No. 159 dated 09.09.2019, under Section 304-B, 201 IPC and alternatively under Section 302 IPC, registered at Police Station Division No. 2, District Ludhiana.

Learned counsel for the petitioner submits that the FIR was registered on the basis of the complaint made by Kusma Devi i.e. mother of the deceased. Learned counsel for the petitioner further submits that the allegations alleged against the petitioner in the FIR are totally false and incorrect, which fact has already come on record during the testimony of the complainant, which was recorded on 22.02.2021, a copy of which has been

petitioner further submits that the complainant has not supported the allegations alleged against the petitioner in the FIR and has rather stated that the petitioner has nothing to do with the 'Suicide' of the daughter of the complainant and also that petitioner had never harassed her or demanded any dowry.

Notice of motion.

Mr. Manreet Singh Nagra, learned Assistant Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel concedes that the complainant has not supported the allegations alleged against the petitioner as recorded in the FIR as well as in challan. Learned counsel for the respondent-State submits that there are other witnesses, who are yet to be examined and merely on the basis of the statement of the complainant, petitioner cannot claim innocence.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

From the facts stated hereinbefore, it is clear that the complainant has not supported the allegations against the petitioner as recorded in the FIR, but the trial has not come to an end so far and the remaining witnesses are yet to be examined hence, whether the petitioner is guilty or innocent, is yet to be proved during the trial. Keeping in view the facts and circumstances of the present case as noticed hereinbefore, once the complainant has been examined and the petitioner is already behind bars for the last 1 year, 7 months and 28 days, no useful purpose will be served keeping the petitioner behind the bars any further, especially, during the

pandemic of Covid-19. Petitioner has made out a case for the grant of regular bail.

The petitioner is directed to be released on regular bail in this case subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

May 11, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No