

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

**CRM-M No.46479 of 2021 (O&M)
Date of Decision: 11.11.2021**

Gurdial Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. H.P.S. Rahi, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

MANJARI NEHRU KAUL J. (Oral)

This is the first petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.0015 dated 22.02.2021 lodged under Section 304-B of IPC, 1860, registered at Police Station Kahnuwan.

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

Learned counsel for the petitioner while inviting attention of this Court to the FIR in question, has submitted that a bare perusal of the same clearly reveals that totally vague and general allegations has been levelled against the entire in-laws family by the complainant, who happens to be the mother of the deceased. Learned counsel submitted that the wife as well as the two daughters of the petitioner, who too had been named in the FIR in question and attributed similar roles, had been found innocent

by the Investigating Agency during the investigation itself. Learned counsel further submits that even the allegations qua the deceased having been subjected to physical harassment, prior to date of occurrence, was not supported by any shred of evidence and it was only after the occurrence in question, the complainant party on account of emotions running high, planted a case against him and his family. A prayer has been made that since the petitioner has been in custody since 07.04.2021 and all the four material witnesses, out of the 26 witnesses cited, stand examined, his further incarceration would serve no useful purpose.

Per contra, learned counsel for the State, on instructions from ASI Rashpal Singh, has apprised the Court that 22 more prosecution witnesses remain to be examined and the next date before the trial Court for examination of some other prosecution witnesses is 26.11.2021. He has, however, not been able to controvert the submissions made by learned counsel for the petitioner that no specific allegations having been levelled against the petitioner with respect to the alleged mental and physical harassment, meted out to the deceased except that a demand of Rs.2,00,000/- was made for sending the son of the petitioner abroad. Learned State counsel has conceded that similar allegations were levelled in the FIR against the petitioner's wife and daughter, however they were found innocent and not challaned.

I have heard learned counsel for the parties and perused the material on record.

In view of the facts and circumstances as enumerated hereinabove and without commenting upon the merits of this case,

the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case

(MANJARI NEHRU KAUL)
JUDGE

November 11, 2021

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No