

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

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CRM-M-9146-2021 (O&M)
DATE OF DECISION : 23.05.2022

Sukhdeep Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Monty Goyal, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

ALKA SARIN, J. (Oral):

This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.67 dated 23.05.2019 registered under Section 304-B read with Section 34 of the Indian Penal Code, 1860 (for short, 'IPC') at Police Station Doraha, District Ludhiana, Punjab.

Learned counsel for the petitioner would contend that the first petition for regular bail filed by the petitioner being CRM-M-27039-2020 was dismissed by this Court vide order dated 09.12.2020. Learned counsel would further contend that the petitioner has been in custody since 25.05.2019 and till date 04 witnesses stand examined, 03 have been given up and 09 witnesses are yet to be examined. It is further the contention of the learned counsel for the petitioner that the father of the deceased, who was the author of the present FIR, has since turned hostile. He has appeared as a

prosecution witness (PW-4) and has stated that there is no fault on the part of the accused. Learned counsel would further contend that the petitioner was granted interim bail and he did not misuse the said concession and had surrendered back on time. It is further the contention the there is no other case pending against the petitioner.

Per contra, learned counsel for the State, on instructions from ASI Sulakhan Singh, states that only 9 witnesses remain to be examined. It is further contented that the deceased had died within seven years of her marriage and as per the report of the Chemical Examiner organo phosphorous compound was detected, which is sufficient to cause death in ordinary course in nature. Learned counsel for the State has filed the custody certificate. As per the custody certificate the petitioner has been in custody from 25.05.2019. There is no other case pending against the petitioner.

Heard.

In the present case the petitioner has been in custody since 25.05.2019 and there is no other case pending against him. The author of the FIR i.e the father of the deceased has since turned hostile. The argument of learned counsel for the State that the deceased had died within seven years of her marriage and that in the chemical examiner's report the presence of organo phosphorous compound was found would be something which would be gone into at the time of trial.

Without commenting upon the merits of the case and keeping in view the fact that the petitioner has been in custody since 25.05.2019 as well

as the fact that the author of the FIR, who is the father of the deceased, has since turned hostile and also the fact that the trial is likely to take some time to conclude, I deem this to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

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

Disposed off.

May 23, 2022
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(ALKA SARIN)
JUDGE

<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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