

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

208

CRM-M-9996-2022

Date of decision: 31.03.2022

LAKHVIR SINGH ALIAS LAKHI

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.K. Singla, Advocate
for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is the second petition filed under Section 439 of the Cr.P.C. for grant of regular bail to the petitioner in case FIR No.234 dated 08.12.2020 lodged under Section 306 IPC registered at Police Station Bareta, District Mansa, however, the learned trial Court framed charge under Section 305 IPC.

Learned counsel for the petitioner submits that earlier petition filed by the petitioner under Section 439 Cr.P.C. for grant of bail was dismissed as withdrawn on 19.07.2021 and ever since then the trial has not made any headway. Learned counsel submits that it is a matter of record that even though the complainant, who is the father of the deceased, has been appearing on each and every date of hearing, however, the complainant has been intentionally avoiding getting himself examined before the trial Court. While drawing the attention of this Court to the FIR in question, learned counsel submits that a perusal of the same does not even obliquely attract the mischief of an offence under Section 306/107 IPC. It has been submitted that on the one hand it was alleged by the complainant in the FIR in question that the

petitioner had been harassing his deceased daughter to establish illicit relations with him as a result of which she had gone into depression, however, in the same breath he alleged that the deceased consumed salphos tablets inside her own house which had been provided to her by the petitioner.

Per contra, learned State counsel while opposing the prayer made by the counsel opposite on instructions from ASI Jaswinder Singh, has not been able to dispute the submissions made by the counsel opposite that the trial has not been proceeding on account of repeated adjournments sought by the complainant on various dates of hearing before the trial Court. She has, however, submitted that the next date of hearing before the trial Court is 01.04.2020 when the complainant has yet again been summoned to get his evidence recorded.

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

In view of the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has now been in custody for one year and three months, this Court deems it fit to extend the concession of bail to him. Accordingly, 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.

31.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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