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

**CRM-M-13647-2022
Date of Decision: 23.08.2022**

Jaglal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.100 dated 23.06.2020, under Sections 304-B & 34 IPC, registered at Police Station Chohla Sahib, District Tarn Taran.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 29.06.2020, which is more than two years. He further submitted that the investigation of the case was completed long back and thereafter, the police has already presented the challan and thereafter, the charges have also been framed on 09.02.2021. He also submitted that more than 1½ years have elapsed after framing of the charges but no witnesses have been examined despite the fact that for the number of times, the witnesses have been summoned and evenailable warrants were

issued against the complainant as well as many other witnesses. He further submitted that due to delay on the part of the prosecution, the petitioner has faced incarceration for more than two years. He also submitted that it is a case where the allegations against the petitioner were that the wife of the petitioner had died and marks were seen on the neck of the wife of the petitioner and there were allegations of dowry. He further submitted that in fact it was a case of suicide by the wife of the petitioner for other reasons and apart from the same, no recovery is to be effected from him in the present case and he has already faced incarceration for more than two years. He also submitted that the petitioner is not involved in any other case and the trial of the case may take long time, therefore, the petitioner may be considered for the grant of regular bail.

On the other hand, Mr. Kunal Vinayak, learned AAG, Punjab has stated that it is correct that the petitioner is in custody since 29.06.2020 and the charges have been framed on 09.02.2021. He further submitted that now one of the witnesses, who is the complainant, namely, Mangal Singh has been examined-in-chief.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than two years and the charges were framed on 09.02.2021. The learned counsel for the petitioner has also attached the various zimni orders along with the present petition to show that for number of times, the prosecution witnesses were summoned but they did not appear for deposing before the Court and even on 19.10.2021,ailable warrants were also issued to PWs Mangal Singh and Jagroop Singh because despite service of summons, they had not

appeared. Thereafter on 01.12.2021, still they did not appear, and therefore, non-bailable warrants of arrest were issued against the aforesaid two witnesses. No recovery is to be effected from the petitioner in the present case and he has already faced incarceration for more than two years. It is yet to be decided at the time of trial as to whether it was a case of killing of the wife by the petitioner or it was a case of suicide. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness or may tamper with the evidence. Therefore, considering the aforesaid facts and circumstances and the custody of the petitioner, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

23.08.2022*Bhumika***(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |