

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

222

CRM-M-26218-2021 (O&M)

Date of Decision: 26.04.2022

BABLU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ramandeep, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. GS Bains, Advocate
for the complainant.

HARNARESH SINGH GILL, J.(Oral)

CRM-1044-2022

Learned counsel for the applicant-petitioner prays for
withdrawal of the present application.

Dismissed as withdrawn.

CRM-510-2022

Application is allowed, as prayed for.

Annexure A-1 is taken on record, subject to all just
exceptions.

Registry is directed to tag the same at an appropriate place.

CRM-M-26218-2021

Through this 2nd petition, the petitioner seeks regular bail in
case bearing FIR No.146 dated 07.07.2019, registered under Section 304-
B read with Section 34 IPC, at Police Station Patran, District Patiala,
Punjab.

Status report by way of an affidavit dated 12.01.2022 of the Deputy Superintendent of Police, Sub-Division, Patran, District Patiala, filed on behalf of the respondent-State, in the Registry, is taken on record.

Learned counsel for the petitioner submits that there is a delay of two days in lodging the FIR; that complainant-Dharam Singh (father-in-law of the petitioner), while appearing as PW-1 before the learned trial Court on 06.07.2021, has not supported the prosecution version and turned hostile and that the complainant has executed an affidavit dated 10.05.2021 deposing therein that the matter has been compromised between the parties. He further submits that the petitioner has been in custody since 08.07.2019 and that the marriage of the petitioner with Renu Bala was solemnized three years back from the date of the alleged occurrence. Still further, it is submitted that co-accused, namely, Sunita Devi (mother of the petitioner), has already been granted the concession of bail.

Pre contra, learned State counsel, while opposing the prayer for grant of regular bail to the petitioner, submits that, in the present case, two persons, namely, Renu Bala (petitioner's wife) and Kushdeep Kaur (petitioner's daughter), have committed suicide by jumping into Bhakra Canal as Renu Bala was being ill-treated by her husband (the petitioner) and mother-in-law. He, however does not dispute the custody period of the petitioner and the factum of the complainant turning hostile. He further submits that prosecution evidence is going on and some of the prosecution witnesses are yet to be examined.

Learned counsel appearing for the complainant does not dispute the factum of compromise.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 08.07.2019. Complainant has not supported the prosecution version and turned hostile. Co-accused has already been enlarged on bail. Some of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of both the sides, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

26.04.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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