

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(101+204)

CRM No.47183 of 2022 in/and
CRM No.M-42776 of 2022 (O&M)
Date of Decision : 07.12.2022

Sona Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Prabhjot Singh, Advocate
for the petitioner.

Mr. Athar Ahmad, Deputy Advocate General,
Punjab.

Harsimran Singh Sethi, J. (Oral)

CRM No.47183 of 2022

Applications is allowed.

Documents are taken on record.

CRM No.M-42776 of 2022

In the present petition, the prayer of the petitioner is for the grant of regular bail to the petitioner in respect of FIR No.22 dated 12.02.2019, registered under Section 302 IPC at Police Station Sadar Fazilka, District Fazilka.

Learned counsel appearing on behalf of the petitioner argues that the petitioner is behind bars for the last more than three years and nine months and the material witnesses have already been examined and as, out of total 21 cited witnesses to be examined, only four have been examined,

the trial is likely to take some time to conclude hence, keeping in view the facts and circumstances of the case, the petitioner be extended the concession of regular bail.

Learned counsel for the petitioner further submits that the petitioner has falsely been implicated in the present case and nothing has come on record to prove the alleged motive that deceased was having any illicit relations with the wife of the petitioner due to which the petitioner has allegedly killed the deceased Navdeep Rai.

Learned counsel for the petitioner argues that even if the accident is proved then also whether the same will amount to murder, is yet to be proved on the basis of evidence which will come on record and keeping in view the discrepancies, which have come on record in the testimony of the material witnesses, the petitioner be extended the concession of regular bail as he has already suffered incarceration for more than three years and nine months.

Learned counsel for the respondent-State does not dispute the fact that the material witnesses have already been examined including the complainant and relatives of the deceased as well as the doctor concerned. Learned counsel for the respondent, on the instructions from ASI Inderjit Singh, submits that as the allegations against the petitioner are serious in nature, merely on the basis of the custody undergone, the petitioner's request for grant of bail be declined.

I have heard the learned counsel for the parties and have gone through the record with their able assistance.

The allegation against the petitioner is of intentionally killing the deceased by running over the vehicle over the deceased. The motive being alleged is that the deceased was having illicit relations with the wife of the petitioner. The allegation and the motive are yet to be proved during the trial. Learned counsel for the respondent has not been able to point out the evidence, which has come on record to prove the motive or allegation that the deceased has illicit relations with the wife of the petitioner. Though, this Court is not recording any opinion on the said fact and same will be proved on the basis of total evidence which will come on record, once the material witnesses have been examined, there has to be justifiable

reason to keep the petitioner behind the bars.

This Court while considering the grant of regular bail to an accused is to prima facie ensure that the grant of said benefit to the accused does not interfere with the conduct of the trial or the examination of the witnesses concerned or the accused is not likely to flee the trial.

In the present case, nothing has come on record that the petitioner has interfered or is going to interfere in the trial in case granted the benefit of regular bail or will flee the trial in any manner. Keeping in view the fact that the petitioner is behind bars for more than three years and nine months and coupled with the fact that out of 21 cited witnesses only four have been examined so far and the trial is likely to take some time before it concludes, coupled with the fact that the material witnesses have already been examined, the petitioner has made out a case for grant of regular bail especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted the benefit as prayed for, the petitioner will not influence the trial or the witnesses in any manner. In case of default of above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

December 07, 2022
jt

(HARSIMRAN SINGH SETHI)
JUDGE

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