

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

228+110

CRM-M No.1114 of 2022 (O & M)
Date of decision:17.10.2022

Gulshan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

CRM-25912-2022

Application is allowed as prayed for.

Testimony of the complainant, Sugreev Mishra (PW-1), is
taken on record as Annexure P-2.

Main Case

This is the first petition filed by the petitioner under Section
439 of Cr.P.C. for grant of regular bail in case FIR No.210, dated
09.12.2020 registered for offence under Section 306 of IPC, 1860, at
Police Station Focal Point, Ludhiana, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been
registered on the statement of Sugreev Mishra on the allegation that
Akhilesh, who is his friend, has constructed 06 rooms in his house, out

of which 04 have been rented out. Gulshan (present petitioner) is living in one of the rooms with Meera Devi. Complainant was told that Gulshan doubted his wife and used to physically assault her. On 08.12.2020, at about 11.00 PM, he received a call from his friend Akhilesh that Gulshan had assaulted his wife and forced her to consume some poisonous substance. When he reached the spot, Meera was found dead .

Counsel for the petitioner contends that the allegations levelled in the FIR, are far from truth as the complainant was never a witness to the alleged physical assault of the deceased. He submits that the deceased did not leave behind any suicide note. He asserts that the petitioner, who is in custody since 11.12.2020, and has a clean past, deserves to be released on bail as the complainant, his friend, Akhilesh as well as the Investigating Officer, have been examined.

Per Contra, State counsel, upon instructions from ASI Om Parkash, has opposed the petition and has submitted that there are specific allegations against the petitioner, who has been named in the FIR. He submits that as per the MLR, the deceased had suffered 06 injuries. Still further, upon further instructions, he states that 03 out of 14 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, this Court is *prima facie* of the view that the culpability of the petitioner in the offence would remain a subject matter of debate before the trial court. Considering the fact that the material witnesses have been examined, length of custody of more than 22 months and that the trial is

likely to take time to conclude as 11 more prosecution witnesses have yet to step into the witness-box, this Court is of the opinion that the petitioner deserves to be released on bail during the pendency of the trial.

Without advertng to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be enlarged on bail on furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

17.10.2022

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No