

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

213

CRM-M-51532-2022

Date of decision: 22.11.2022

Rajbir Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gursimran Singh Bhatia, Advocate
for the petitioner.

Ms. Jasleen Kaur Sidhu, DAG, 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.298 dated 03.12.2020 under Section 306 IPC (Section 201 IPC was added lateron) registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that subsequent to the dismissal of the previous petition on 15.12.2021 wherein the petitioner had sought similar relief, all the 5 material witnesses including the complainant stood examined. He submits that during their deposition before the Trial Court all these material witnesses had failed to support the case of the prosecution and as a result of which they were declared hostile. Learned counsel, therefore, submits that in the above given circumstances, further incarceration of the petitioner would serve no useful purpose and rather lends credence to a false and fabricated case having been planted upon the petitioner, who happens to be the husband of deceased Geetinder Kaur.

Per contra, learned State counsel on instructions while opposing the prayer of the counsel opposite has not been able to dispute

the submissions made by the counsel opposite qua all the material witnesses including the complainant not supporting the case of the prosecution during trial. However, she submits that while getting the FIR in question registered which has been annexed as Annexure P-1, the complainant had levelled specific allegations against the petitioner of abetting the suicide of his deceased wife. She has, however, not been able to also dispute that 13 more prosecution witnesses remain to be examined before the Trial Court.

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

The petitioner has been in custody for almost 2 years having been arrested on 03.12.2020. All the material witnesses, as per the instructions received by the learned State counsel, stand not only examined but admittedly turned hostile during the course of trial. Further incarceration of the petitioner would thus serve no useful purpose moreso when the trial would take considerable time to conclude as 13 more prosecution witnesses remain to be examined.

In the facts and circumstances as enumerated hereinabove, 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.

22.11.2022

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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