

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106+212

CRM-M-2442-2021 (O&M)

Date of decision: 20.09.2023

Sabir Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Sr. DAG, Punjab..

MANJARI NEHRU KAUL, J. (ORAL)

CRM-38629-2023

For the reasons mentioned in the application, the same is allowed and copies of zimni orders are taken on record as Annexure P-5 subject to all just exceptions.

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1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.04 dated 11.01.2020 under Sections 302 of the IPC registered at Police Station City I Abohar, District Fazilka.

2. Learned counsel for the petitioner has reiterated his submissions made on the last date of hearing that despite the charges having been framed on 20.04.2021, the trial had failed to progress as only 01 prosecution witness out of the 25 cited, had been partially examined. Learned counsel has also drawn the attention of this Court to the zimni orders which have been placed on record as Annexure P-5,

wherein also it stands reflected that the case had been repeatedly adjourned by the Trial Court as on most of the dates, the prosecution witnesses did not put in an appearance for getting their evidence recorded. Learned counsel further submits that it is a case resting on circumstantial evidence, wherein the wife of the petitioner (daughter of the complainant) was found lying in an injured condition inside her house. He submits that thereafter, a fabricated version had been brought forth by the complainant that her daughter (since deceased) had been assaulted with an iron rod and administered poison by her husband, as he did not have cordial relations with her since she was a patient of tuberculosis. He further submits that the petitioner has been in custody since 16.01.2020 and as already noticed hereinabove, the trial has come to a virtual standstill.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has not been able to dispute the submissions made by the counsel opposite qua the case as set up by the prosecution during trial and has also not controverted that none of the prosecution witnesses have stepped into the witness box for getting their evidence recorded despite repeated adjournments.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody since 16.01.2020. The trial would take considerable time to conclude as only 01 prosecution witness had been examined partially. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the

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concession of bail to the petitioner.

6. Accordingly, 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.

20.09.2023

(MANJARI NEHRU KAUL)

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JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No