

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

213

CRM-M-1820-2022

Date of Decision: 02.05.2023

Narinder Singh

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Aashna Gill, Advocate
for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

Tribhuvan Dahiya, J (Oral)

This petition is for grant of regular bail to the petitioner in case FIR No.144 dated 21.09.2018, under Sections 304-B, 34 of IPC (Section 302 IPC added later on), registered at Police Station Sadar Fazilka, District Fazilka, Punjab.

2. Briefly, as per allegations in the FIR, on 20.09.2018 around 8:00 P.M, the complainant's wife received a call from the petitioner (husband of the deceased) saying that their daughter has died due to heart attack. He along with his wife and other relatives reached her matrimonial house and found that her daughter's body was lying in the porch. They saw that there were blue marks on the back of her neck, ears and all the way to the front of her neck. When they asked about these marks, the petitioner and his family members did not say anything. Complainant alleged that it was possible that her daughter was strangulated by the petitioner (husband), mother-in-law, father-in-law and brother-in-law due to bringing less dowry.

3. Learned counsel for the petitioner contends that a supplementary charge-sheet has been filed against the petitioner on 03.02.2021. He is in custody since 27.01.2021 and the trial is not progressing as out of twenty three prosecution witnesses, only fourteen have been examined so far. She has also referred to the complainants testimony, which has been placed on record as Annexure P-2, wherein, it has been stated that three months prior to the occurrence, on asking of his daughter (deceased), he had tranferred an amount of Rs.40,000/- in her account, which was demanded by the accused persons. But he has admitted in his cross-examination that the amount is still lying in her daughter's account. It is further submitted by learned counsel for the petitioner that there are no allegations or materials which could establish ingredients of the alleged offences against the petitioner. Therefore, presumption under Section 113-B of the Evidence Act would also not arise.

4. Learned State counsel, on instructions from ASI Milkh Raj, submits that the trial is now fixed for 05.05.2023, but is unable to state who of the witnesses or how many of them have been summoned. He could only state that out of twenty three witnesses, only fourteen have been examined so far by the prosecution.

5. The submissions made by learned counsel for the parties have been considered.

6. It has been more than two years and three months that the petitioner is in custody and the trial has still not been concluded. It will take some time as nine more prosecution witnesses are still to be examined. At the same time, the material prosecution witnesses, including the

complainant, his wife and son-in-law, have already been examined. The petitioner has no criminal antecedents, and no useful purpose will be served by confining him to custody any longer.

7. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail to the satisfaction of trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

02.05.2023

Nisha

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