

IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH

216

CRM-M-5231-2023 (O&M)

Date of Decision: 13.09.2023

MEWA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this second petition, the petitioner seeks regular bail in case bearing FIR No.95 dated 07.09.2019, registered at Police Station Kulgarhi, District Ferozepur, under Sections 302 and 34 IPC, the first one having been dismissed by this Court vide order dated 25.01.2022.

Learned counsel for the petitioner states that the petitioner has been falsely implicated in the present case, being the father-in-law of the deceased; that, though, a pestle blow on the head of deceased, namely, Gurbachan Singh (son-in-law of the petitioner), has been attributed to the petitioner, yet the fact remains that the petitioner has been in custody since 09.09.2019 i.e. for about 4 years; that the deceased was married to the daughter of the petitioner about 10 years ago; that out of the said wedlock, three children were born; that there are total 4 accused in the present case, out of which 2 are yet to be arrested and against them proclamation proceedings are going on. He further submits that out of total

20 prosecution witnesses, two have been examined completely and two have been partly examined; that there is no other case registered and/or pending against the petitioner.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that specific role and injury has been attributed to the petitioner and that a fatal blow with pestle (ghotna) on the head of the Gurbachan Singh (son-in-law of the petitioner) is attributed to the petitioner, which has resulted into his death. He further submits that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Though, a pestle (ghotna) blow on the head of deceased has been attributed to the petitioner, yet the fact remains that he has been in custody since 09.09.2019 i.e. for about 4 years. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

13.09.2023

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No