

CRM-M-14104-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.234

Case No. : CRM-M-14104-2023

Date of Decision : May 24, 2023

Gurmail Singh		Petitioner
vs.		
State of Haryana		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Dr. Anju Sharma, Advocate
for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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GURBIR SINGH, J. :

This is a petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.73 dated 17.05.2022, under Section 302 IPC, registered at Police Station Baragudha, District Sirsa (Annexure P-1).

The case in question was registered at the instance of Gurdev Singh. As per allegations, daughter of the complainant Gurdev Singh namely Lovepreet Kaur was married to the petitioner about 12 years ago. From the said wedlock, a son namely Kalu was born. The petitioner was having suspicion about the character of his wife and he used to quarrel with her many times. They tried to persuade him by convening panchayats etc. but to no effect. On 17.05.2022, the complainant got information from Village Baragudha that the petitioner had murdered his daughter Lovepreet Kaur. The complainant along with his family reached there and found that her dead body smeared with blood was lying in the courtyard. There were injuries on

her neck and head with an axe.

Learned counsel for the petitioner contends that all the material witnesses including the complainant Gurdev Singh (PW-1), Nasib Singh (PW-2), Darshan Singh (PW-3), Satnam Singh (PW-4) and Amarjeet (PW-5) have been examined but none of them supported the prosecution version. The photocopies of statements of all these witnesses have been annexed as Annexure P-2 with the present petition. All these witnesses were declared hostile. Learned Public Prosecutor cross-examined the witnesses but failed to bring out any information which could be proved favourable to the prosecution. The other witnesses are formal witnesses. There are little chances of success of prosecution case. Therefore, the petitioner deserves the concession of regular bail.

Learned State counsel has already filed Status Report. He has fairly admitted that the private witnesses examined by the prosecution have not supported the prosecution version. However, the allegations against the petitioner are serious. So, he is not entitled for concession of bail.

Heard.

In the present case, the complainant and other private witnesses have not supported the version of prosecution. The other witnesses are formal witnesses. The petitioner is not involved in any other case. The evidence collected during the investigation cannot be discussed at this stage. Keeping in view all these circumstances, no useful purpose would be served by keeping the petitioner behind the bars.

Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released

on regular bail, on his furnishing bail bonds with two sureties of the like amount, to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate concerned.

Nothing stated herein above be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations above, which have only been made for the purpose of adjudication of the present petition for grant of regular bail.

May 24, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.