

**106+216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-23109-2023 in/and
CRM-M-14611-2023
Date of decision: 25.05.2023**

MOHAMMAD PHUHIM @ DISHAN **...PETITIONER**
VERSUS
STATE OF PUNJAB **...RESPONDENT**

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sahil Puri, Advocate for the applicant/petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

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1. This is an application for placing on record the statement of PW-1 and medical of the mother of the petitioner as Annexures P-7 and P-8.
2. CRM application is disposed of and Annexures P-7 and P-8 are taken on record, subject to all just exceptions.
3. Registry to tag the same at the appropriate place.

Main case

4. Custody certificate of the petitioner has been circulated today and the same is taken on record.
5. Mohammad Phuhim @ Dishan-petitioner is seeking regular bail in the case bearing FIR No.256 dated 14.08.2021 under Sections 302/34 IPC registered at Police Station City Kapurthala, District Kapurthala.
6. Learned counsel for the petitioner contends that FIR has been registered on the basis of the statement of Jameela Begum, the mother of the deceased alleging that the petitioner had committed the murder of the deceased i.e. his wife as he was in relationship with some other lady and wanted to solemnize marriage with her. It has been further submitted that during the course

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of trial, the complainant i.e. the mother and the sister of the deceased have not supported the prosecution version. The prosecution had also sought to examine Hussain Ahmed, PW-3 before whom the petitioner had allegedly made extra judicial confession and even, he has also not supported the prosecution version. The petitioner is in custody for a period of 01 year, 09 months and 11 days and is not involved in any other case.

7. Learned State counsel has not disputed the fact that the complainant, her another daughter and the witness to the extra judicial confession have not supported the prosecution version and there is no other eye-witness in the instant case. Out of 20, only 04 have been examined.

8. The petitioner is in custody for a period of 01 year, 09 months and 11 days and is not involved in any other case. The complainant, her another daughter and the witness to the extra judicial confession have not supported the prosecution version. So far, out of 20, only 04 witnesses have been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

9. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

10. The petition is allowed accordingly.

25.05.2023
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(VIVEK PURI)
JUDGE