

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 214

Criminal Miscellaneous No.M-22545 of 2023

Date of Decision: May 10, 2023

Balwinder Singh

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Inder Pal Singh, Advocate for the petitioner.

Mr. Jashandeep Singh, AAG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition for grant of regular bail to the petitioner in case FIR No.476 dated 07.12.2020, registered under Sections 304-B, 498-A, 201, 120-B IPC, 1860, at Police Station City Barnala, District Barnala.

2. As per allegations in the FIR, the deceased, who had married to the petitioner on 15.03.2020, was being harassed on account of insufficient dowry. When demands were not met, she was given some poisonous substance, and died on that account while being taken to civil hospital.

3. Learned counsel for the petitioner contends that the case is false and fabricated, as the factum of forcible administration of poison to the deceased stands belied from the post mortem report itself. There were no external marks or injuries on the person of deceased. It is further submitted that during trial three prosecution witnesses, including the complainant and the eye witness, have already been examined. The petitioner is in custody and trial will take some time to conclude. It is further submitted that the

co-accused has also been admitted to regular bail by this Court vide order dated 09.11.2022 (Annexure P-4) under similar circumstances.

4. Learned State counsel, on instructions from ASI Sewa Singh, opposes the grant of bail on the ground that trial is going on and three of the prosecution witnesses have already been examined, and the remaining official witnesses will also be examined soon. The petitioner is in custody since 08.12.2020 and no other case is pending against him.

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

6. Trial of the case will take some time to conclude as there are eighteen more witnesses still to be examined. At the same time, the material witnesses have already been examined and there is no apprehension of the petitioner influencing the remaining witnesses who were all officials. He is in custody for the last more than two years and four months, and has no criminal antecedents. 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

May 10, 2023
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<u>Whether Speaking/ Reasoned:</u>	<u>Yes/ No</u>
<u>Whether Reportable:</u>	<u>Yes/ No</u>