

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-22608-2023 in/and
CRM-M-25188-2023
Date of decision: 11.10.2023

Tajinder SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashosk Soni, Advocate
for the petitioner.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

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Allowed as prayed for.

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1. The petitioner in the instant (third) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.90 dated 22.05.2021 under Sections 306/34 of the IPC (offence under Section 304-B of the IPC deleted in challan under Section 173 Cr.P.C.) registered at Police Station Dugri Ludhiana.

2. Learned counsel for the petitioner submits that after the withdrawal of the previous petition, some more prosecution witnesses have been examined and 16 prosecution witnesses still remain to be examined. Hence, there is no likelihood of the trial concluding in the near future.

3. Learned counsel inter alia contends that the petitioner is the father in law of the deceased, who allegedly hanged herself to death on account of harassment meted out to her by her in laws family including the petitioner. It has been further submitted that the occurrence in question took place after more than seven years of the marriage; a suicide note no doubt was left behind by the deceased, however, the authenticity of the suicide note allegedly left behind would a matter of trial.

4. Per contra, learned State counsel while opposing the prayer made by learned counsel opposite, on instructions, submits that in the suicide note left behind by the deceased, she had levelled allegations of harassment against the entire in laws family. However, he has not disputed that only 04 prosecution witnesses stand examined which also includes the complainant.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 22.05.2021 and the next date before the Trial Court is 21.10.2023 when some more prosecution witnesses have been summoned. There is, thus, no likelihood of the trial concluding in the near future. Since, the sole material witness i.e. the complainant stands examined, further incarceration of the petitioner would serve no useful purpose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate

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concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

11.10.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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