

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(219)

CRM-M-27455 of 2022 (O&M)
DATE OF DECISION:-18.05.2023

Siraj Ansari

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Chandan Singh Rana, Advocate, with
Ms. Himani, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

(1) By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.199 dated 20.09.2019 under Sections 302, 201 IPC, registered at Police Station Division No.7, Ludhiana.

(2) As per allegations levelled against the petitioner, he murdered his wife namely Shahjahan Khatoon and the FIR in question was registered at the instance of Mehtab Ansari i.e. brother of the deceased implicating the petitioner.

(3) Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* followed by farming of charges on 05.05.2021 and out of the total 25 witnesses, only 5 have been examined including complainant who has not supported the prosecution story. Learned counsel further submits that petitioner has already suffered incarceration for a period of more than 3 years 7 months and no other case is pending against him, thus, the petitioner deserves concession of regular bail.

(4) On the other hand, learned State counsel opposes the prayer made herein while submitting that material witness namely Asif is yet to be examined and the involvement of the petitioner in the incident has been duly found through the evidence collected at the time of investigation.

(5) I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

(6) In the present case, petitioner has already suffered incarceration for a period of 3 years 7 months by now whereas only 5 witnesses have been examined so far and the trial is likely to take some time. In particular, the complainant Mehtab Ansari who happens to be the real brother of the deceased has not even supported the prosecution version, I do not find any reason to extend incarceration of the petitioner any further especially when he is not involved in any other criminal case, thus, the petitioner deserves the concession of regular bail.

(7) Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

(8) However, nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case.

18.05.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No