

**IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH**

212

2023:PHHC:129357

CRM-M-26854-2023

Date of decision: October 5<sup>th</sup>, 2023

Gurpreet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Rahul Bhargava, Advocate  
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

**MANJARI NEHRU KAUL, J. (ORAL)**

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.75 dated 18.05.2019 under Sections 302, 148 and 149 of the IPC, 1860, registered at Police Station Baghapurana, District Moga.

2. As per the allegations of the prosecution, the petitioner was having strained relations with his wife i.e. the deceased, as he suspected the paternity of one of his children, coupled with the fact that the petitioner would often talk to some woman on the phone. On account of strained relations, the deceased had been staying at her parental house and it was only a few months prior to the occurrence in question, the petitioner after admitting his mistake and giving an assurance to the complainant party, brought the deceased back to her matrimonial home. However, the relations between the two again soured as the petitioner did not desist from talking to some woman on the phone. A day prior to the alleged occurrence, the deceased telephonically informed the complainant i.e. her father, that the petitioner had been talking to some

woman over the phone; she apprehended that the accused party would eliminate her. Furthermore, the petitioner told the complainant telephonically that the deceased was not obeying him. Later in the night of 18.05.2019, the complainant was informed on telephone by the petitioner that the deceased had hanged herself. On being informed, the complainant party reached the hospital, where the deceased had been taken by the petitioner and found a strangulation mark around her neck.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is a victim of false implication, who was married to deceased Baljeet Kaur with whom he had been leading a happy married life and out of this wedlock, they had two children. The deceased was a short tempered and overly sensitive person. In fact, a case of suicide was being projected as one of murder, which was evident from the site plan, wherein a stool could be seen lying at the alleged place of hanging. Learned counsel further contends that the petitioner has been in custody for more than 4 years, having been arrested on 22.05.2019 and only one prosecution witness has been examined till date. Thus, in view of his long incarceration alone, he deserves to be extended the concession of bail.

4. *Per contra*, learned counsel appearing for the State while opposing the prayer and submissions made by the counsel opposite, has submitted that no doubt the petitioner has been in custody for almost 4½ years, however, the trial was delayed on account of the fact that an application under Section 319 Cr.P.C. was moved by the prosecution and in consequence thereto a *de novo* trial had commenced after the summoning of additional accused. He, on further instructions, has

submitted that thereafter, the complainant has been examined, who has once again supported the case of the prosecution.

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

6. No doubt, the gravity and heinous nature of an offence has to be one of the relevant considerations while exercising discretion in releasing an accused on bail, at the same time, the Court is also typically obligated not to ignore the prolonged detention of the accused. The sole material witness in the case in hand i.e. the complainant has since been examined, however, the remaining 17 prosecution witnesses are yet to be examined. The petitioner has been in custody for the last more than 4 years; awaiting the conclusion of the trial.

7. In the facts and circumstances as enumerated hereinabove, especially the long custody period of 4 years, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate 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.

**October 5<sup>th</sup>, 2023**  
*Puneet*

**(MANJARI NEHRU KAUL)**  
**JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No