

**226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-31856-2023

Date of decision : 12.07.2023

Pandya Rajan

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rakesh Nehra, Sr. Advocate with
Mr. Ankit Yadav, Advocate and
Mr. Parth Sarthi, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab.

MANOJ BAJAJ, J.

By means of this petition under Section 439 Cr.P.C, the petitioner seeks regular bail during the pendency of the trial in case FIR No.0053 dated 13.02.2019 registered under Section 302 Indian Penal Code, 1860 at Police Station Beas, District Amritsar. The petitioner was arrested on 13.02.2019.

The above FIR was registered on the statement of Chinathai, wherein it was alleged that her marriage was solemnized with Pandya Rajan (petitioner) about three years back and she has no child. On 12.02.2019, her husband was in drunk state and told her to prepare maggi, which she did and served him, but her husband did not like it and started beating her. Being afraid, she went to call her neighbour and on return to quarter, she saw that throat of her younger sister, namely, Punita was cut with knife, who died and her husband fled away from the spot. At about 01.30 a.m., complainant took her sister to Army Hospital, where she was declared brought dead. On these broad allegations, the present FIR was registered.

Learned senior counsel for the petitioner submits that petitioner is

in custody since his arrest on 13.02.2019 and after completion of the investigation, final report was filed on 10.06.2019 and thereafter, the charges were framed on 10.07.2019. He submits that it is almost three years, but the prosecution evidence has not been concluded and only few witnesses have been examined. He submits that the petitioner was falsely implicated by his wife, Chinathai as she has not seen the occurrence. According to him, petitioner was serving in Army, whose further detention may not serve any useful purpose, therefore, he prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Surinder Pal, who has argued that the petitioner being an alcoholic was drunk when he committed the alleged crime. According to Ms. Swati Batra, learned State counsel, petitioner did not like the food cooked by his wife and started beating her, therefore, she went to call the neighbour and on return she found her two years old sister lying with slit throat. She prays that the petition be dismissed.

At this stage, Mr. Nehra, Sr. Advocate for the petitioner has stated that there was no dispute between the couple and even today the complainant is residing with petitioner's parents.

After hearing learned counsel for the parties and considering their submission, this Court finds that as per prosecution, the FIR was lodged by petitioner's wife and the alleged occurrence had taken place at the house of the petitioner, where couple was residing with complainant's two years old sister. The argument that the complainant is not an eye witness of the alleged occurrence cannot be appreciated at this stage while considering the petition for bail as it would be seen by the trial Court after the evidence adduced by

both the sides. Thus, considering the seriousness and gravity of the offence and the fact that the material witnesses are yet to be examined, this Court without meaning any expression of opinion on the merits of the case does not find it to be a fit case for grant of regular bail to the petitioner.

Petition is dismissed.

12.07.2023
vanita

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No