

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

217

CRM-M-40029-2023

Date of Decision: 22.08.2023

Gurjant Singh

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.S. Sodhi, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No. 0145 dated 10.05.2023 (Annexure P-1) registered under Section 306 IPC at Police Station Dera Bassi, District SAS Nagar (Mohali), Punjab.

Briefly, the aforesaid FIR was registered on the basis of statement of complainant-Balvir Singh, alleging therein that his daughter, namely Sukhwinder Kaur, was married to the petitioner in the year 2019. After two years of marriage, the petitioner started giving beatings to the deceased under the influence of intoxicants. He also used to maltreat and harass the deceased, due to which, the deceased had committed suicide. With these broad allegations, formal FIR was registered against the petitioner.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner has been falsely implicated in the present case. Marriage of the petitioner with the deceased was solemnized in the year 2019. Two children were born out of the said wedlock, who are currently in the care and custody of their paternal grand-mother, who is an old aged widow. Learned counsel further contends that even the younger brother of the petitioner is dependent upon him. He is not involved in any other case. The allegations levelled in the FIR against the petitioner are false and fabricated. The petitioner is in custody since 10.05.2023. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that petitioner may be released on regular bail.

Per Contra, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner and has filed custody certificate dated 21.08.2023, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 03 months and 11 days. He further submits that there are specific allegations against the petitioner in the FIR that he used to beat and harass the deceased. He further submits that challan in the present case was presented on 03.07.2023, however, the charges are yet to be framed by the trial Court.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case, including the fact that there is no other case against the petitioner, as well as the fact that conclusion of trial

will take some time, the present petition is **allowed**.

The petitioner-Gurjant Singh, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

22.08.2023
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(NIDHI GUPTA)
JUDGE

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