

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-43328-2020 (O&M)

Date of Decision: 05.09.2023

PAWAN KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Pawar, Advocate for
Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Gurdarshan Singh Sidhu, AAG, Punjab.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for grant of regular bail to the petitioner in case bearing FIR No.26 dated 08.03.2019, registered under Section 302 IPC, at Police Station Sadar Ludhiana, District Ludhiana.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner has been involved in the present case on the basis of his own extra judicial confessional statement; that the petitioner has been in custody since 12.03.2019 i.e. for the last 4 years, 5 months and 27 days; that the witnesses cited are not coming forward for getting their testimonies before the Court below and that in the present case there is no complainant, rather the Investigating Officer himself got recorded the FIR in question, which is against law.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner has committed the murder of his own wife, by strangulating her with a piece of cloth, who was having an illicit relation with some other person. He further submits that material witnesses are yet to be examined and thus, the petitioner be not granted the concession of regular bail.

I have heard the learned counsel for the parties.

Though the allegation against the petitioner is of having committed murder of his own wife by strangulating, yet the fact remains that he has been in custody since 12.03.2019 i.e. for the last 4 years, 5 months and 27 days. The petitioner was indicted on the basis of his own extra judicial confessional statement. Most of the prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

05.09.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*