

233

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-53652-2023  
Date of decision: 03.11.2023

SUKHWINDER GIR

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. L. S. Sidhu, Advocate  
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.43 dated 03.03.2021, under Sections 307 and 506 of the IPC (Sections 302, 201 and 120-B of the IPC added later on), registered at Police Station Sadar Patiala, District Patiala, Punjab.

2. Learned counsel for the petitioner submitted that the petitioner is in custody for about 2 years and 8 months and 6 material witnesses have been examined and the trial of the case may take long time to conclude. He further submitted that the petitioner has clean antecedents and he is not involved in any other case and therefore he may be considered for grant of regular bail.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab submitted that it is correct that the petitioner is in custody for about 2 years and

8 months and it is also correct that the petitioner is not involved in any other case. He further submitted that the allegations against the petitioner were serious in nature since he was also instrumental in the killing of the deceased, namely, Aarti. So far as the stage of the trial is concerned, he submitted that 6 material witnesses have been examined.

4. I have heard the learned counsel for the parties.

5. The allegations in the present case were that the complainant/deceased had reported to the police that she had a dispute with her husband, who is the brother of the present petitioner and her husband had put petrol on her and had lit fire and she sustained injuries and consequently she died. So far as the present petitioner is concerned, he is the brother-in-law of the deceased, namely, Aarti and the allegation was that on an earlier point of time, he had only passed remarks on the deceased but there is no direct role attributed to the petitioner. The petitioner has already faced incarceration for about 2 years and 8 months and as per the learned counsel for the parties, 6 material witnesses already stand examined. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case and also considering the custody and the alleged role of the petitioner in the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to

furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

03.11.2023  
Chetan Thakur

(JASGURPREET SINGH PURI)  
JUDGE

Whether speaking/reasoned  
Whether reportable

:  
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Yes/No  
Yes/No