

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**231****CRM-M No.54037 of 2023 (O&M)****Date of Decision : 04.12.2023**

Jang Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manvinder Singh Sidhu, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (Oral)

1. This is the second petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.216 dated 21.12.2020 under Sections 306 and 34 of the Indian Penal Code, 1860 (Section 304-B IPC was added later on) registered at Police Station Koom Kalan, District Ludhiana. The first petition being CRM-M-32056-2021 filed by the petitioner seeking extension of interim bail granted to him was allowed vide order dated 09.08.2021.

2. The FIR in the present case was registered on the statement of the father of the deceased wherein it was alleged that his daughter was harassed for not bringing enough dowry. It was further alleged that the deceased was given beatings by her in-laws. Thereafter, a compromise was effected before the *Panchayat*. On 20.12.2020, during the night, the son-in-law of the complainant i.e. petitioner herein informed the wife of the complainant that the deceased was not listening to him. The wife of the complainant told the petitioner not to worry and that they would come in the

morning. However, the petitioner started abusing the wife of the complainant and stated that let Rajwinder Kaur (deceased) do whatever she wants to do. On 21.12.2020 in the morning, when they were getting ready to go to village Chaunta to see the deceased at about 06.20 am, the petitioner told the son of the complainant that they had killed Rajwinder Kaur (deceased) and told them to come to see her. Immediately the complainant with his family left for the daughter's house where she was found lying dead on the double bed. She had some marks on the front side of her neck.

3. Learned counsel for the petitioner would contend that father of the petitioner, namely, Dilbaar Singh was granted the concession of anticipatory bail vide order dated 17.02.2021 passed in CRM-M-2171-2021 while his mother, namely, Kuldeep Kaur, was granted the concession of regular bail vide order dated 28.05.2021 passed in CRM-M-5104-2021. Learned counsel for the petitioner would further contend that the petitioner was granted the interim bail by the Additional Sessions Judge, Ludhiana vide order dated 30.07.2021, which was further extended vide order dated 09.08.2021 passed by this Court in CRM-M-32056-2021, and he did not misuse the said concession of interim bail granted to him. Learned counsel for the petitioner would further contend that all the material witnesses have been examined and none of them supported the case of the prosecution. It is further the contention that the conclusion of trial is likely to take some time as there are total 22 prosecution witnesses and out of them only 05 stand examined.

4. Learned State counsel has filed the custody certificate as per which the petitioner has been in custody for a period of 10 months and 17 days. Learned State counsel is not in a position to refute the fact that all the

material witnesses, apart from the Investigating Officer, who have been examined, have turned hostile.

5. I have heard learned counsel for the parties.

6. In the present case the petitioner has been in custody for a period of 10 months and 17 days. Earlier the petitioner was granted the concession of interim bail, which he did not misuse. There are 22 witnesses and out of them only 05 material witnesses have been examined. All the material witnesses barring the Investigating Officer have turned hostile.

7. In view of the above and without commenting upon the merits of the case and keeping in view the fact that the conclusion of trial is likely to take some time, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Additional Sessions Judge (Duty) concerned.

8. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

10. Disposed off. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

04.12.2023

jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO