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back to her in-laws house. On 02.03.2024, his elder sister-Manjeet Kaur telephonically informed the complainant that Manjinder Kaur has left the house in morning without informing anyone and has not come back. On searching, dead body of his sister-Manjinder Kaur was found floating at Bhakhra Canal as she committed suicide by jumping into the canal, and thus, the present FIR was registered.

Learned counsel for the petitioner *inter alia* contends that the marriage between the petitioner and his deceased wife was 19 years old and they have a male child about 17 years of age out of this wedlock. In fact, out of love and affection, the petitioner had purchased a land twice in the name of his deceased-wife vide registered sale deed No.981 dated 28.01.2015 of 4 kanal land and sale deed No.2019-20/63/1/902 dated 04.02.2020 of 1 kanal land. She was residing happily in her matrimonial house and there was no complaint whatsoever in the last 19 years. He further submits that from the perusal of the record, it is clearly established that the ingredients of Section 107 of IPC are clearly missing, as such, the petitioner cannot be held liable for the offence under Section 306 of IPC. Moreover, mother of the petitioner, namely, Gurdev Kaur-co-accused, has already been granted the concession of anticipatory bail by this Court in CRM-M-15954-2024 titled as 'Gurdev Kaur Vs. State of Punjab' vide order dated 03.05.2024 (Annexure P-2).

Per contra, the learned State counsel opposes the grant of regular bail to the petitioner on the ground that the petitioner is the main accused and the Investigating Agency has collected sufficient material to prove the complicity of the petitioner.



A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars since 18.03.2024 and mother of the petitioner, namely, Gurdev Kaur-co-accused, has already been granted the concession of anticipatory bail by this Court in CRM-M-15954-2024 titled as 'Gurdev Kaur Vs. State of Punjab' vide order dated 03.05.2024 (Annexure P-2). Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as none out of 13 prosecution witnesses has

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been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

In view the above, the present petition is allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioner-Nirmal Singh is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

20.05.2024*Neha*

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No