

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34167-2023
DECIDED ON: 16.01.2024

SANDEEP SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Robin Lohan, Advocate
for the petitioner.

Mr. H.S. Sitta, DAG Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.177, dated 16.10.2022, under Section 306 of IPC, registered at Police Station City Nawanshahr, District Shaheed Bhagat Singh Nagar.
2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and there is no direct attribution to him to attract the provisions of Section 306 of IPC except a bald allegation of having illicit relationship with the wife of the deceased and on that account, he has been nominated as an accused.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner has suffered incarceration of 1 year and 1 month and is not involved in any other case.
4. Considering the fact that the custody period suffered by the petitioner is 1 year and 1 month and he is a person of clean antecedents added with the fact that trial will certainly take long time as after framing of charges on 22.03.2023 out of

total 14 prosecution witnesses only 8 stands examined so far, no useful purpose would be served by keeping him behind the bars, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India.

5. In the light of above, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.
6. The present petition is, hereby, allowed.
7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

16.01.2024

(SANDEEP MOUDGIL)
JUDGE

Meenu

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