

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52312-2023
Reserved on: 01.03.2024
Pronounced on:21.03.2024

MANDEEP SINGH... Petitioner

Versus

STATE OF PUNJAB... Respondent

Present:- Mr. P.B.S.Goraya, Advocate for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.

By way of present petition filed under Section 439 Cr.P.C, the
petitioner seeks regular bail in case FIR (Annexure P-4) as under: -

FIR No.	Dated	Sections	Police Station
310	24.10.2020	302, 201, 34, 195, 120B IPC	Kathu Nangal Amritsar

2. Brief facts of the case are that complainant Palwinder Singh states that on 24.10.2020 at 12:30 pm his wife Harwinder Kaur had gone to the house of her Bhabhi/Rajwinder Kaur. After two hours he went to the house of his sister-in-law/Rajwinder Kaur to call his wife then he saw that in residential room one dead body was burning, he raised noise and neighbour Gurmej Singh came and both of them controlled the fire and saw the face of the dead body and identify as his wife Harwinder Kaur. He is sure that his sister-in-law/Rajwinder Kaur with the help of some unknown person has killed his wife and after burning the body they had fled away from the spot, on the basis thereof, FIR was registered, and SHO concerned visited the spot

and recovered a suicide note affixed on the wall and during investigation Palwinder Singh recorded his supplementary statement on 24.10.2020 levelling allegations of murder of his wife, against his sister-in-law/Rajwinder Kaur and also stating that she was having illicit relation with Mandeep Singh and he was used to visit the house of Rajwinder Kaur and on 24.10.2020 Mandeep Singh in connivance with Rajwinder Kaur had committed murder of his wife and set her ablaze.

3. Learned counsel for the petitioner, *inter alia*, contends that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 26.10.2020. He further submits that complainant Palwinder Singh was examined as PW-1 and he states that Mandeep Singh has no role to play in committing the murder of his wife as such he has been declared hostile. He submits that after completion of investigation challan has been presented in Court, charges have been framed and prosecution has cited 26 witnesses and out of them only 11 witnesses have been examined till date, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has not disputed the factual matrix of the case but argued that considering the nature and gravity of offence the petitioner does not deserve concession of bail. However he has admitted that challan has already been presented in Court and charges have been framed. He, on instructions from ASI Vikramjeet Singh has not disputed the fact that the material witnesses including the complainant have not lent any support to the prosecution against the petitioner.

5. After considering the rival contentions and going through the record, it transpires that in order to prove its case against the petitioner the prosecution has examined as many as 11 witnesses in the case including the material witnesses comprising of complainant and the witnesses whom before extra judicial confession was made, none of them have lent any support to the case of prosecution in order to establish its case against the petitioner. Majority of witnesses official in nature are yet to be examined. The conclusion of trial will take sufficient long time to ascertain criminal liability, if any, of the petitioner and no purpose would be served by keeping petitioner behind bars any longer.
6. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

21.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No