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2024:PHHC:023985

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-58365-2023

Date of Decision: February 21, 2024

PREM KUMAR

Versus

STATE OF PUNJAB

.....Petitioner

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. B.S. Seemar, Advocate and
Mr. Vaneet Thakur, Advocate for the petitioner.
Mr. Kewal Singh, Addl. A.G. Punjab.

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 199 dated 19.07.2020 registered under Sections 302 and 34 of IPC at Police Station Lambi, District Sri Muktsar Sahib wherein, the petitioner along with his other accomplices has been implicated for having forcibly administered certain poisonous substance to his deceased-wife namely Beant Kaur.
2. The prayer made herein has been opposed at the instance of learned State counsel while referring to the allegations levelled against the petitioner and his active participation as per the FIR.
3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.
4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges, whereas, out of 21 only

2 prosecution witnesses have been examined so far and thus, the trial is likely to take some time. Moreover, the petitioner is already behind the bars for a period of more than 3 years and 4 months by now. Even, as per the statement of PW1, it has been recorded that the deceased was got admitted in the National Clinic, Abohar by the petitioner himself. The relevant extract in this regard from the cross-examination of PW1 is reproduced hereunder:-

“ I came to know on my arrival at village Tarmala that on 10.07.2020, Beant Kaur was admitted in National Clinic Abohar by Prem Kumar. I do not know whether all the expenses of her treatment at National Clinic Abohar were borne by Prem Kumar and his family. I had not paid any expenses of the medical treatment at National Clinic, Abohar.”

5. Considering the aforesaid facts and circumstances, besides the fact that no apprehension has been expressed by the prosecution as regards any kind of threats being extended to the prosecution witnesses by the petitioner, this Court does not find justification to extend his incarceration any further.

6. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

21.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No