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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52309-2023

Date of decision:-03.04.2025

ABZAL NATH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Amit Arora, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 Cr.P.C for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
33	02.03.2022	302, 120-B IPC (34 IPC added later on)	City Tarn Taran, District Tarn Taran

2. Arguments heard.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is not having any criminal antecedents and was arrested in this case on 03.03.2022 since then he is in custody. After completion of investigation, challan has already been presented in Court and during course of trial the prosecution has examined the material witnesses but they have not lent any support to the case of the prosecution, hence prayed for grant of bail to the petitioner on the ground that the conclusion of trial will take long time.



4. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments and prayed for dismissal of the bail petition on the ground that the petitioner is involved in heinous crime of having killed his minor daughter by throwing her on the ground in a fit of anger.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of the prosecution the present case was registered on the statement of Mukho wife of the petitioner, stating that on the fateful day the petitioner had snatched the minor daughter from her and thrown her on the ground due to which she sustained head injury and later died in the hospital.

6. It is apparent from the perusal of record that after completion of investigation, challan has been presented in Court wherein prosecution has cited 19 witnesses and out of which 6 witnesses have been examined. Admittedly all material witnesses of the prosecution have been examined including the complainant Mukho as PW1, Buto as PW2, Jyoti as PW3 and they have not lent any support to the case of the prosecution to connect the petitioner with the alleged crime. Learned State counsel has categorically stated that all the material witnesses of the case have already been examined who have not lent any support to the case of the prosecution. The petitioner is not having any criminal antecedents, and the conclusion of trial, to ascertain criminal liability, if any, of the petitioner will take sufficient long time and no purpose would be served by detaining the petitioner any longer in custody.

7. In these circumstances, without commenting on the merits of the case, 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.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

03.04.2025

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