

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-14039-2015

Date of decision: 8.5.2015

Ram Sewak

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.Himanshu Puri, Advocate for the petitioner

Ms.Simsi Dhir Malhotra, DAG, Punjab assisted by
ASI Virender Singh

SNEH PRASHAR, J.

The instant petition under Section 439 of the Code of Criminal Procedure has been filed by the petitioner seeking regular bail in case First Information Report No.31 dated 19.3.2014 registered under Sections 302/201/34 of the Indian Penal Code at Police Station Sadar Kapurthala, District Kapurthala.

The Submissions made by Mr.Himanshu Puri, Advocate representing the petitioner and Ms.Simis Dhir Malhotra, Deputy Advocate General, Punjab have been heard.

It is submitted on behalf of the petitioner that the name of the petitioner is not mentioned in the FIR. He has been falsely implicated in the present case on the disclosure statement of main accused Rajinder Kumar. There is no evidence connecting him to the crime. Submitting

that nothing remains to be recovered from the petitioner and he is in custody since 20.3.2014, learned counsel for the petitioner has prayed for grant of regular bail to the petitioner.

On the other hand, learned State counsel has opposed the prayer of the petitioner on the ground that co-accused Rajinder had specifically named the petitioner and both of them had been charge sheeted under Sections 302/201 of IPC.

The petitioner is in incarceration since 20.3.2014. The two main public witnesses have since been examined by the prosecution. Still number of witnesses are left and the conclusion of trial is likely to take some time.

Keeping in view the facts and circumstances of the case, there is no plausible ground to detain the petitioner further in custody. Accordingly, without going into the merits of the case, the present petition is allowed and the petitioner is admitted to regular bail on his furnishing bail/ surety bonds to the satisfaction of the learned trial Court.

8.5.2015
gsv

(SNEH PRASHAR)
JUDGE