

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

Criminal Misc.No.M-30867 of 2015

Date of Decision: September 16, 2015

Vivek Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Divyadeep Walia, Advocate,
for the petitioner.

Mr.K.S.Pannu, DAG, Punjab.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 439, Cr.P.C., is for grant of regular bail to the petitioner, Vivek Kumar, who has been booked for having committed the offence punishable under Section 302 read with Section 34, IPC, in a case arising out of FIR No.28, dated 20.02.2015, registered at Police Station, Canal Colony, District Bathinda.

Learned counsel contends that even if the whole case of the prosecution is taken at its face value, then also the only piece of evidence emerged on record is that the petitioner was seen in the company of Kuldeep Singh (since deceased) on the previous night of his (Kuldeep Singh) murder; the main accused, Arjan Singh and Balwinder Singh, who allegedly caused injuries to Kuldeep Singh, have already been arrested;

even the motive for committing the murder of Kuldeep Singh was with Arjan Singh and that after completion of the investigation, the charge-sheet (report under Section 173, Cr.P.C.) has been presented before learned Court below, therefore, further custody of the petitioner would not be of any consequence.

Learned counsel for the State, on instructions from ASI Jaidev Singh, Police Station, Canal Colony, District Bathinda, and after going through the material available on record, very fairly submits that except the last seen evidence, there is no other material to connect the petitioner with the alleged murder of Kuldeep Singh.

After hearing learned counsel for the parties and going through the material available on record, the present petition is allowed. Petitioner-Vivek Kumar, s/o Manohar Lal, r/o Vishesh Nath Dhani, Abohar, District Fazilka, Punjab, at present confined in Central Jail, Bathinda, is directed to be released on bail, during pendency of trial of the present case, subject to his furnishing bond in the sum of ₹1,00,000/- (Rupees one lac only) with one surety in the like amount to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Bathinda.

September 16,2015
seema

(Naresh Kumar Sanghi)
Judge

