

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

CRM No.M-36632 of 2015
Date of decision: 04.11.2015

Kamlesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Pardeep Bajaj, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Malkit Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 439 of the Code of Criminal Procedure, the petitioner has sought regular bail in case FIR No.110, dated 20.07.2014, registered under Sections 307, 452 and 34 IPC, at Police Station Division No.4, District Ludhiana.

The learned counsel refers to Annexure P-4, the deposition of PW-3, Dr. Gurbinder Kaur, who had conducted the medicolegal examination on the person of complainant Sita, wherein in her cross examination, she has specifically stated that possibility of all the injuries to be self inflicted and with friendly hand cannot be ruled out and states that all the injuries were self inflicted and the petitioner has been falsely implicated in the present FIR. In fact, the petitioner had also suffered head injuries during scuffle between Mohd. Akhtar and the complainant Sita. The co-accused of the petitioner, namely Raj Kumar @ Raju Billa

and Vivek Kumar @ Honey Verma, have already been admitted to bail by this Court. The petitioner is in custody since 21.07.2014.

On the other hand, the learned State counsel opposes the prayer of bail and states that there are serious allegations against the petitioner in the FIR. The challan stands presented; the charges have been framed; out of total 15 witnesses, 06 witnesses have been examined so far.

I have heard learned counsel for the parties and perused the record.

Keeping in view the statement of PW-3 Dr. Gurbinder Kaur, the custody period and the fact that the co-accused of the petitioner, namely Raju @ Raju Billa and Vivek Kumar @ Honey Verma, have already been enlarged on bail by this Court and out of total 15 witnesses, only 06 witnesses have been examined so far, therefore, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on his furnishing bail bonds and surety bonds, to the satisfaction of the trial Court.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

04.11.2015

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(JITENDRA CHAUHAN)
JUDGE