

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

**C.R.M-M No.36963 of 2015
Date of Decision : 04.11.2015**

Sandeep Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. G.S. Verma, Advocate
for the petitioner.

Mr. Ashish Sanghi, D.A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.26 dated 24.01.2014 registered under Sections 302, 34 IPC, at Police Station Focal Point, District Ludhiana.

Reply filed by way of an affidavit of Baljinder Singh Gill, PPS, Superintendent, Borstal Jail, Ludhiana on behalf of the State is taken on record. Copy has been supplied.

Learned counsel for the petitioner has argued that present is a

case of blind murder and the petitioner has now been in custody since 09.02.2014.

Learned Deputy Advocate General on instructions from ASI Bhupinder Singh has accepted the aforementioned factual assertions but has argued that in this case there is evidence of one Neha and one Nirmala who have seen the deceased in the company of the accused prior to her death and their evidence is still pending. He has further argued that in case the petitioner or the other accused are released on bail there is a likelihood that they would try to pressurize those two witnesses.

In my opinion, this is a valid argument but it can not be a carte blanche for the prosecution to detain the petitioner indefinitely. In the circumstances, two months' time is granted to the prosecution to examine the said two witnesses.

Consequently, the petition is dismissed. However, it is directed that the trial Court shall release the petitioner on bail on 24.12.2015 unless the accused obstruct the testimony of the above mentioned two witnesses.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

November 04, 2015

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**(AJAY TEWARI)
JUDGE**