

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

CRM-M No. 17372 of 2016
Date of decision : July 13, 2016

Rakesh Kumar @ Romi,

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SPS Sidhu, Advocate
for the petitioner.

Mr. KS Panoo, DAG Punjab

- 1. Whether Reporters of Local Newspapers 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)

The petitioner seeks grant of regular bail in case FIR No.97,
dated 4.6.2015, registered under Sections 323, 341, 506, 304 of the IPC,
at Police Station Lalru, District SAS Nagar Mohali.

On 8.7.2016, the following order was passed :-

“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.97 dated 04.06.2015 registered under Sections 323, 341, 506, 304 IPC at Police Station Lalru, District SAS Nagar, Mohali.

The allegations were that in a fight which had erupted between the neighbours the petitioner pushed the mother of the complainant who fell on the street and died. Learned counsel for the petitioner has argued that the charge has been framed under Section 304 Part II IPC and the petitioner has now been in custody for five months and three weeks. Learned Deputy Advocate General has accepted these factual assertions.

Learned counsel for the complainant, however, states that the complainant and his wife are stated to give their evidence on 11.07.2016 and he is apprehensive that in case the petitioner is released on bail, he would try to obstruct the evidence.

In the circumstances, the matter is adjourned to 13.07.2016 to enable the complainant and his wife to give their testimony.”

Despite the above order, it transpired that on 11.7.2016, neither the complainant nor his wife appeared in the Court to give evidence.

Learned DAG Punjab, on instructions from ASI Rajinder Singh, has accepted these factual assertions.

In these circumstances, without commenting upon the merits of the case, and keeping in view the period of custody already suffered by the petitioner, I do not deem it appropriate to deny the concession of regular bail to the petitioner.

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Bail to the satisfaction of the trial Court.

Petition stands disposed of.

July 13, 2016
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(AJAY TEWARI)
JUDGE