

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-19454 of 2015 (O&M)
Date of Decision: 16.3.2016

Raman Kumar @ Rocky

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.K. Gupta, Advocate for the petitioner.

Mr. D.S. Virk, A.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The present petition is the 5th petition preferred under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.20 dated 4.3.2008 under sections 302, 148, 149 I.P.C registered at Police Station, Division No.8, Ludhiana.

Complainant is Jaswinder Singh. Occurrence is stated to be of 3.3.2008 and the deceased is Gurpreet Singh brother of the complainant. As per complainant's version which led to the registration of the F.I.R, 12 persons including the present petitioner had attacked Gurpreet Singh and inflicted as many as 17 injuries. The specific attribution to the present petitioner was of being armed with a *Datar* and having inflicted a blow on the head of the deceased from the back side.

Petitioner was arrested on 7.4.2008.

During the course of arguments, it has gone uncontroverted that two independent witnesses that have already been examined have already resiled from their statements before the Trial Court. Court has been informed that even Jaswinder Singh, complainant (brother of the deceased) was examined before the Trial Court on 1.3.2016 and he has resiled from

his initial version and has not supported the prosecution version.

The length of incarceration of the petitioner as of date is 7 years, 11 months and 8 days. The trial has proceeded at a snail's pace for the reason that an application preferred under section 319 Cr.P.C seeking summoning of additional accused was allowed only in the year 2013.

Learned State counsel has further informed that out of a total of 22 prosecution witnesses cited only 4 have been examined till date. The trial, as such, would take time to conclude.

Even though, the allegations and accusations against the petitioner are serious in nature and of having committed a heinous crime, yet, keeping in view the length of incarceration already suffered by him, he is held entitled to the benefit of bail. Such view is being taken also on account of the fact that two independent witnesses apart from the complainant, who was none other than the brother of the deceased, have already been examined before the Trial Court.

Present petition is, accordingly, allowed. Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Ludhiana.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

16.3.2016

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