

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

CRM-M-17278-2017 (O&M)

Date of decision: 26.05.2017

ANIL KUMAR @ ANIL KUMAR NEENA

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present : Mr. P.K.S. Phoolka, Advocate for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Darshan 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 FIR No.62 dated 30.04.2016, registered under Section 302 read with Section 34 IPC, at Police Station Maur Mandi, Distt. Bathinda.

Contents that there is delay of 67 days in lodging the FIR. In the version dated 30.04.2016, the complainant has named certain persons working in the card board factory as accused. Subsequently, on 07.05.2016 supplementary statement was recorded, wherein the petitioner was named as one of the accused. The petitioner is in custody since 10.08.2016. The material witness i.e. complainant stands examined. Deceased, Jagjiwan Kumar, who suffered injuries and was removed to hospital on the date of incident i.e. 24.02.2016, died on 30.04.2016. During the

interregnum period, no statement was recorded with regard to role of the petitioner by the deceased. The petitioner is not involved in any other FIR, which is duly admitted by the learned State counsel.

On the other hand, the learned State counsel states that complainant-Mahesh Kumar stands examined. She states that statement of deceased, Jagjiwan Kumar could not be recorded as he had never regained the consciousness. Out of 16 PWs, none has been examined so far.

Heard.

Considering the fact that two versions with regard to incident have come on record; the petitioner is not involved in any other FIR; he is in custody since 10.08.2016; and out of 16 PWs, none has been examined so far, trial is likely to take a long time, therefore, no purpose would be served in keeping the petitioner behind the bars.

Accordingly, 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/Chief Judicial Magistrate/Duty Magistrate, concerned.

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

26.05.2017

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No