

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

CRM-M-11775 of 2018(O&M)

Date of Decision:02.05.2018

Bikramjeet

.....Petitioner

V/S

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.Aditya Sanghi, Advocate for the petitioner.

Ms.Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J. (ORAL)

This is the second petition preferred under Section 439 Cr.P.C. before this Court seeking concession of regular bail to the petitioner pending trial in case FIR No.80, dated 06.10.2016 under Sections 302/201 IPC, registered at Police Station, City-2 Abohar, District Fazilka, Punjab.

Counsel representing the petitioner, at the very outset, submits that first petition seeking regular bail i.e. CRM-M-21701 of 2017 had been dismissed by a co-ordinate bench of this Court vide order dated 04.07.2017.

It is, however, submitted that there is change of circumstances to justify the filing of the second petition, inasmuch as material witness, namely, Vishakha Bishnoi, daughter of the Savita Bishnoi (since deceased) was examined before the trial Court on a subsequent date. Counsel even cites the length of incarceration suffered by the petitioner to justify the filing of the instant petition.

Counsel for the parties have been heard at length.

Briefly noticed, the FIR came to be registered on the statement of Dinesh Kumar.

Deceased is Savita Bishnoi i.e. the sister of the complainant. Complainant asserted that Savita Bishnoi (since deceased) was a divorcee and had got acquainted with the present petitioner. A loan of Rs.14 lakhs had been advanced by Savita Bishnoi (since deceased) to the petitioner.

On 29.09.2016, the complainant went to the house of Savita Bishnoi (since deceased) to meet her, but she was not found present. The niece of the complainant Vishakha informed him that present petitioner, namely, Bikramjeet had came to their house on 28.09.2016 at about 10.30 p.m. and taken her mother Savita Bishnoi (since deceased) in a swift car. Mobile of Savita Bishnoi (since deceased) was along with her. Thereafter, dead body of Savita Bishnoi was found at the tail end of a canal on 05.10.2016 and was identified from the bangles and her ear rings which she was wearing. Complainant voiced suspicion against the present petitioner of having killed her sister and motive attributed is that to avoid repayment of the loan of Rs.14 lakhs, Savita Bishnoi has been done away with.

The petitioner was arrested on 23.10.2016.

It is a case of circumstantial evidence.

Daughter of the complainant, namely, Vishakha Bishnoi would be seen as a material witness, who has already been examined.

During the course of arguments, it has gone uncontroverted that even though Vishakha Bishnoi had last seen her mother and had clearly deposed that mobile phone of the deceased was with her at the time of leaving on 28.09.2016 along with the present petitioner, yet prosecution during the course of investigation had not collected any phone call details/details of tower location.

] Trial in the case would take time to conclude, as out of 14 prosecution witnesses cited, only three have been examined till date.

Without making any observation on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to the satisfaction of the trial Court/Duty Magistrate, concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.05.2018
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No