

Sr. No.214

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-1189 of 2018 (O&M)

Date of Decision: 21.03.2018

Anil Gupta

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. A.P.S.Deol, Senior Advocate with
Mr. H.S.Deol, Advocate,
for the petitioner.

Mr. S.S.Sandhu, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.9192 of 2018

Application is allowed, as prayed for.

The accompanying statements/deposition of Anuj PW-1,
Davinder Mohan PW-2 and Pardeep Kumar PW-3 are taken on record as
Annexures P-11, P-12 and P-13.

Application disposed of.

Main Case

Petitioner seeks regular bail pending trial in case FIR No.70
dated 22.07.2017, under Sections 302, 449, 171, 182, 201, 120-B, 411, 396
IPC, registered at Police Station Cantt. Bathinda, District Bathinda.

Deceased in the present case is Kanika i.e. wife of the petitioner
and who died on account of strangulation on 22.07.2017.

Initially a report had been lodged jointly by the present petitioner as also his brother-in-law, namely, Anuj (brother of the deceased) to the fact that unknown assailants have gained forcible entry into the house and have stolen cash, gold ornaments and have even killed Kanika.

Present petitioner was arraigned as an accused and charged for offence under Section 302 IPC on a statement made by Anuj i.e. brother of the deceased on 24.07.2017.

As per such statement placed on record at Annexure P-2, Anuj stated that at the time of cremation of Kanika he had overheard the present petitioner as also his friend Rakesh as regards the offence having been committed.

Prosecution was also relying upon the statement of Davinder Mohan i.e. cousin brother of the deceased and as per which the present petitioner as also his friend Rakesh Kumar alias Sonu (co-accused) had suffered a confessional statement as regards the murder of Kanika.

Petitioner was arrested on 05.07.2017.

Counsel representing the petitioner has adverted during the course of hearing today to the deposition of Anuj as PW-1, Davinder Mohan as PW-2 as also Pardeep Kumar as PW-3 i.e. father of the deceased and who have not supported the prosecution version.

Under such circumstances, it would be a moot issue as regards offence under Section 302 IPC having been made out against the petitioner.

Without making any observations on merits, prayer made in the instant petition is accepted.

Petition is allowed. Petitioner be enlarged on bail subject to

satisfaction of the trial Court/Duty Magistrate, Bathinda.

Disposed of.

21.03.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No