

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

209

CRM-M No.13183 of 2018 (O&M)
Date of Decision: April 4th, 2018

Kushal Kumar

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Charanpreet Singh, Advocate
for the petitioner.

Mr. Kuldeep Singh, Senior Deputy Advocate General, Punjab.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing the present petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.57 dated 29.07.2017, registered at Police Station Jaurkian, District Mansa, under Sections 302, 201, 511, 120-B of the Indian Penal Code.

Counsel for the petitioner contends that the petitioner is not named in the FIR. The petitioner has been roped in on the basis of the extra judicial confession of Karamjit Kaur and he himself made before Bhura Singh, Panch of village Beniwal. He contends that even going by the extra judicial confession of the petitioner and the co-accused, it is apparent that the petitioner is alleged to have given an advice and motivated co-accused Karamjit Kaur to kill some lady and burn her with an intention to show that she herself is dead so that she could elope with the petitioner. He contends that the petitioner is not attributed any overt act in the commission of the actual offence. Petitioner was arrested on 01.09.2017 and is in custody since then and out of 22 witnesses, none has been examined till date.

Counsel for the State, on instructions from ASI Gurdev Singh, Police Station Jaurkian, District Mansa, could not dispute the factual assertions, as have been put forth by the counsel for the petitioner, however, he states that it is the petitioner who is the mastermind of the offence and it is at his behest and advice that such a drastic step was taken by co-accused Karamjit Kaur and, therefore, the petitioner should not be granted the concession of bail.

Having considered the submissions made by the counsel for the parties, keeping in view the fact that the involvement of the petitioner is a question to be considered and decided by the Court on the basis of the evidence to be led during the trial and that till date, none of the witnesses have been examined and the petitioner is in custody for more than seven months and the trial is not likely to conclude soon, the present petition is allowed.

Petitioner is directed to be released on bail to the satisfaction of the trial Court.

April 4th, 2018
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No