

Criminal Misc. No. M- 16019 of 2018 (O&M)

Date of decision : May 24, 2018

Ramesh Kumar

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. D.S. Sukarchakia, DAG, Punjab.

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No. 101 dated 25.09.2017 under Sections 326A, 307, 506, 148, 149 IPC registered at Police Station Kathunanagal, District Amritsar.

It is submitted that the petitioner is not related to the family of the injured (since deceased) or her in-laws. He has been named as an accused as he is a friend of the father-in-law of the complainant (since deceased). Initially, the abovesaid FIR was registered due to matrimonial dispute between the injured (since deceased) and her husband and in-laws. The matter was duly compromised between the injured and her in-laws family. However, complainant unfortunately passed away on 14.11.2017 due to natural causes. No offence punishable under Sections 326A, 307 IPC, it is contended, is made out. Moreover, final report under Section 173 Cr.P.C. stands presented. The petitioner has been in custody since 24.10.2017. He undertakes to face proceedings and not abuse the

concession of bail, if afforded to him. The co-accused, it is pointed out, were afforded the concession of anticipatory bail on 06.04.2018 in CRM-M-11291-2018 (Annexure P-3) and the counsel representing the parental family of the injured had affirmed the factum of settlement. It was mentioned that CRM-M-883-2018 was filed for quashing of this FIR on the basis of the compromise arrived at prior to death of the complainant. It is, thus, prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State has produced a copy of Post Mortem Report and the subsequent report of the Chemical Examiner in respect to the death of the injured on 14.11.2017. At this stage, there is nothing to indicate any link between the incident in question and the subsequent death of the complainant. Pendency of CRM-M-883-2018 is a matter of record. On instructions, from ASI Ajit Singh, it is verified that the petitioner is not involved in any other criminal case. Final report under Section 173 Cr.P.C. already stands filed. Trial in this case is not likely to conclude in the near future.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

No useful purpose shall be served by keeping the petitioner incarcerated any longer. Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition.

Consequently, the petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of

the learned trial Court.

It is reiterated that none of the observations made herein above are a reflection on the merits of the case and shall have no bearing on the trial.

May 24, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No