

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

**Criminal Misc. No. M-23436 of 2018
Date of decision: 17.11.2018**

Kuldeep Kumar

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Shalender Mohan, Advocate for
Mr. Kuldeep V. Singh, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
for the respondent-State.

Daya Chaudhary, J. (Oral)

This is the second petition filed by petitioner-Kuldeep Kumar under Section 439 Cr.P.C. for grant of regular bail in case FIR No.36 dated 03.03.2018 registered under Sections 452, 306, 323, 379, 148 and 149 IPC at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner submits that earlier petition was filed during pendency of investigation and the same was dismissed as withdrawn. The present petition has been filed subsequently after conclusion of investigation. Learned counsel further submits that the injury attributed to the petitioner falls under Section 323 IPC and while dismissing the bail application it was observed that it might be a case under Section 306 IPC. No suicide note was recovered from the body of the deceased and even no offence is made out under Section 306 IPC. DDR was recorded at the

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instance of driver of the train by saying that it is a case of accident. Learned counsel also submits that challan has been presented and out of 23 prosecution witnesses, even a single witness has not been examined so far. The petitioner is in custody since 03.03.2018.

Learned State counsel has not disputed the custody period as well as stage of trial.

Heard arguments of learned counsel for the petitioner as well as learned State counsel and have also perused the contents of the FIR and other documents available on the file.

Without commenting anything on the merits of the case and keeping in view the submissions made by learned counsel for the petitioner that the petitioner is in custody since 03.03.2018; out of total 23 prosecution witnesses, even a single witness has not been examined so far; the trial may take time to conclude; and no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner (Kuldeep Kumar) is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court.

17.11.2018
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No