

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

CRM-M-27531-2018

Date of decision:23.08.2018

Prem Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. P.K. Ganga, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by ASI Naib Singh.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner seeks grant of regular bail in a case registered against him vide FIR No.171 dated 30.10.2017 under Sections 302, 201, 34-B of Indian Penal Code, 1860, Police Station Sadar, District Fazilka.

The FIR was registered at the instance of Ami Lal wherein it is alleged that he was staying with his family and he had adopted grandson of his sister namely Seeta Ram. On 29.10.2017 after taking food he went out to sleep. Later in the morning at 6:00 a.m. his wife told that Seeta Ram was not present in the bed. He went out to look for his son and also made telephonic call on his mobile but same was not

answered. Thereafter the complainant along with his son Rajesh Kumar and his brother Om Parkash conducted search and found dead body of Seeta Ram at about 7:00 a.m. lying on road outside the village and the dead body was bearing injuries on the back of his head and blood had oozed on the road. The complainant alleged that some un-known persons had murdered his grandson Seeta Ram.

Notice of the petition was issued to the respondent-State.

Mr. Nakul Sharma, Advocate has put in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record.

Custody certificate has been filed today by the learned State counsel, which is taken on record.

Learned State counsel assisted by learned counsel for the complainant have opposed the petition.

Learned State counsel has submitted that during the course of investigation statement of one Krishan Lal had been recorded in terms of Section 161 of Criminal Procedure Code, 1973 wherein he has stated that on the night intervening 29/30-10-2017 he had seen Munish Kumar going on a tractor with a ripper tagged to the tractor on which something had been placed in a plastic bag. The learned State counsel has further informed that a supplementary statement of the complainant was recorded on 30.10.2017 wherein he has stated that Seeta Ram had been murdered by the petitioner and his son as they suspected that the deceased was having an affair with the daughter of the petitioner.

Having regard to the abovesaid facts and circumstances, I

find that the present case is a case based solely on circumstantial evidence wherein there is no eye-witness to the occurrence. So much so the complainant did not even name or suspect anybody at the time of lodging of the FIR. The petitioner has been behind bars since 03.11.2017. It has has been informed by learned State counsel that although charges have been framed but none of the nineteen witnesses has been examined so far. The conclusion of trial, in its normal course, is likely to take some time. In my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Prem Kumar is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, Fazilka.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

(GURVINDER SINGH GILL)
JUDGE

23.08.2018
Gaurav Sorot/pankaj

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**