

CRM-M-35807 of 2018

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

CRM-M-35807 of 2018
Date of Decision: 24.08.2018

Prince @ Billa

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. J.S. Thakur, Advocate, for the petitioner.
Mr. Amandeep S. Gill, DAG, Punjab.
Mr. Avtar Singh Bhatti, Advocate, for the complainant.

RAMENDRA JAIN, J. (ORAL)

Mr. Avtar Singh Bhatti, Advocate, appears on behalf of the complainant on his own and files vakalatnama. The same is taken on record.

Prayer in the instant petition under Section 439 Cr.P.C. has been made for grant of regular bail to petitioner Prince @ Billa in a case arising from FIR No.202 dated 24.11.2017 registered under Sections 302, 148, 149 IPC and later on added Section 201 IPC at Police Station Division No.5, District Jalandhar Commissionerate.

According to the prosecution, in the evening of 23.11.2017, 6/7 young boys armed with deadly weapons like swords, *datar*, baseball bat etc., caused injuries to Ashok Kumar alias Happy in the area of Sabzi Mandi, Babu Jagjiwan Ram Chowk, Jalandhar. As a result thereof, Ashok Kumar succumbed to his injuries on the same day.

Learned counsel for the petitioner *inter alia* contends that

petitioner has falsely been implicated on the basis of alleged extra-judicial

CRM-M-35807 of 2018

confession. His alleged disclosure statement was forcibly and illegally recorded by the police, which is a very weak type of evidence. Two co-accused of the petitioner, having similar role, have already been enlarged on bail by a common order dated 08.08.2018 passed by this Court in CRM-M-24081 of 2018 and CRM-M-4383 of 2018. Treating the case of the petitioner on the same parity, he may also be granted bail during trial. He is in custody since 12.12.2017. Conclusion of trial may take a sufficient long time. No useful purpose would be served by keeping the petitioner behind bars.

On the other hand, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the grant of regular bail to the petitioner.

Considering overall facts and circumstances, treating the case of petitioner on the same parity as that of his co-accused, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

August 24, 2018
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No