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

**CRM-M No.45752 of 2017
Date of Decision: 12.01.2018**

Krishikesh Pandey @ Krishikesh Panday @ Pappu

.....Petitioner

Vs

State of UT Chandigarh

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Vipul Sharma, Advocate
for the petitioner.

Mr. Gautam Dutt, Standing Counsel
for UT, Chandigarh.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.135 dated 11.05.2017, registered under Sections 306 IPC at Police Station Sector 34, Chandigarh.

Petitioner is alleged to have abetted the offence on the basis of depositions of Om Parkash and Dharminder. The first information was given by father of the deceased on 08.05.2017 wherein no complicity of the petitioner was alleged. No FIR was registered on the basis of said statement, rather FIR was

registered on the basis of statement of mother of the deceased, wherein incriminating allegations were alleged against the petitioner. Multiple injuries marks were found on the body of the deceased. It was alleged by the petitioner that the deceased was a drug addict and used to commit theft. An information was given to the senior officer in respect of one of such instance of theft and that has promoted the complainant party to involve the petitioner.

Learned counsel for the petitioner submits that in order to constitute offence under Section 306 IPC, concerted effort on behalf of the accused is required for compelling the victim to take such a drastic step. Mere allegations of inciting or abetting do not form abetment within the meaning of offence under Section 306 IPC.

Learned State Counsel on instructions from SI Vijay Kumar submits that out of total 19 witnesses, prosecution has already examined 6 witnesses. Trial may take some time in its culmination.

In view of above, at this stage, without meaning anything on the merits of the case, it will be just and expedient to grant benefit of regular bail to the petitioner who is in custody since 02.08.2017.

Let the petitioner be enlarged on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Accordingly, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

January 12, 2018.

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No