

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

CRM No.M-6441 of 2018 (O&M)

Date of Decision: 22.05.2018

Som Nath @ Soni

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. D.S.Malwai, Advocate,
for the petitioner.

Mr. Shireesh Gupta, Sr. DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.72 dated 01.03.2016, under Sections 323/325/341/506/148/149/342 IPC, registered at Police Station City Barnala, District Barnala (later on added Section 302 IPC).

FIR has been registered on the statement of Kamlesh Rani in relation to an occurrence dated 27.02.2016 whereby her son Akshay Kumar was stated to have been assaulted by a number of persons and who succumbed to his injuries. Allegations against the present petitioner are that he along with co-accused encircled deceased Akshay Kumar and resorted to beatings.

Petitioner was arrested on 06.03.2016.

Petitioner had earlier filed a petition under Section 439 Cr.P.C. i.e. CRM No.M-5497 of 2017 seeking regular bail but such petition was not entertained by this Court on the ground that two material witnesses i.e. Kamlesh Rani wife of the deceased and

Yogesh Kumar i.e. brother of the deceased are yet to be examined.

Accordingly, while disposing of CRM No.M-5497 of 2017 on 14.03.2017 directions had been issued to the prosecution to make an earnest endeavour to have the deposition of such material witnesses to be recorded. More than 01 year has elapsed since and learned State counsel upon instructions from ASI Jasveer Singh, apprises the Court that deposition of Kamlesh Rani and Yogesh Kumar is yet to be recorded.

Even as per prosecution, there is no motive attributed to the present petitioner.

Trial would take time to conclude.

On a specific query having been put, learned State counsel concedes that petitioner is not involved in any other criminal proceedings.

Petitioner has already faced incarceration for a period in excess of 02 years.

Without making any observations on merits, prayer is allowed.

Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.05.2018

vandana

Whether speaking/reasoned

Yes

Whether Reportable

No