

S.No.208

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

CRM-M-231 of 2019 (O&M)

Date of Decision:03.09.2019

Sony KhanPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Ashwani Kumar Bansal, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C for grant of bail pending trial in case FIR No.0149 dated 07.09.2017 registered under Sections 302/460/450 read with Section 34 and 201 IPC at Police Station Dirba, District Sangrur.

Learned counsel for the petitioner submits that the case against the petitioner is totally concocted. Even as per the version of the complainant, the case was registered against unknown persons. The name of the petitioner cropped in the case only on the basis of statement of father of the deceased, which was made after 21 days of the incident, in which also, he only expressed his belief that the petitioner was involved in this case. However, beyond showing his suspicion; even that statement has not categorically named the petitioner as accused. It is further submitted that the petitioner is in custody since 26.09.2017. After ten prosecution witnesses were examined out of total 18 witnesses, then the mother of the deceased has filed another petition before this Court, doubting the very version of the complainant. In that petition, the mother of the deceased has alleged that in fact, the complainant himself is the murderer of her son. In that petition,

filed by mother of the deceased, the proceedings before the trial Court have since been stayed by this Court. Hence, the trial is not even proceeding further in any manner. As a result, the petitioner is being incarcerated without any purpose.

On the other hand, learned State Counsel submits that the petitioner is directly involved in the case. Recovery of the Adhaar card of the deceased has been effected from the petitioner. Still further, it is submitted that the prosecution has done its best to complete its evidence. The trial would have been completed by now; but for the stay order passed by this Court. However, it is not disputed that the version of the complainant itself has been disputed by the mother of the deceased and that there is no direct evidence against the petitioner. It is also not disputed that the petitioner is in custody since 26.09.2017 and that the proceedings of the present trial have been stayed by this Court in another connected case.

In view of the above, but without commenting upon merits of the case, the present petition is allowed. It is ordered that the petitioner be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 03, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No