

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

CRM-M-4025-2019
Date of decision:15.7.2019

RAJWINDER KUMAR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Amaninder Singh Sekhon, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by HC Jagsir Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.53 dated 29.6.2018 under Sections 304/34 of Indian Penal Code, 1860 registered at Police Station Sadar Kotkapur, District Faridkot.
2. The FIR was lodged at the instance of Krishan Kumar wherein it has been alleged that on 28.6.2018, he along with other members of his family and his sons Rajvir Singh and Harmander Kumar had gone to attend a '*Shugan*' ceremony of his nephew. It has alleged that his son Rajvir Singh wanted to proceed to the village straight

away from the marriage function, but he (complainant) told him to wait for a while due to which an altercation took place between him and his son. However their relatives, in order to ease out the situation sent his son along with Rajwinder Kumar and Sandeep Kumar @ Bhinda on their motorcycle bearing registration No.PB04-Q-0437. Later when his son did not reach the house, he went out to look for his son and when he reached near the bridge of Panjgrain Kalan, then his relative Dara Singh met him and they inquired from Rajwinder Kumar and Sandeep Kuar about Rajvir Singh, who disclosed that Rajvir Singh was behaving in the same manner in which he was behaving with the complainant and they had pushed him in the canal while under an impression that he will swim to the shore.

3. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that in any case since the petitioner had been in custody since last more than 1 year & 14 days, no useful purpose will be served by further detaining him in custody.
4. Opposing the petition, the learned State counsel has submitted that the petitioner is specifically named in the FIR and is alleged to have thrown Rajvir Singh in the canal and thus does not deserve to be released on bail. It has however been informed that charges are yet to be framed in the present case and there are 12 PWs who had been cited by the prosecution. It has also been informed that the petitioner is not involved in any other case.

5. Having considered rival contentions addressed before this Court and while bearing in mind the custody period of the petitioner and that the trial of the case is yet to commence, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

15.7.2019
Gaurav Sorot

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No