

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

**CRM-M No.4974 of 2019
Decided on: 13.03.2019**

Pawan Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

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

Mr. Sidakmeet S. Sandhu, AAG, Punjab.

Ms. Jasneet Mehra, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.125 dated 18.06.2017 registered under Sections 302, 304, 307, 186, 353, 148, 149, 336 of the Indian Penal Code (in short 'IPC') (Section 302 IPC added later vide Rapat No.41 dated 26.09.2017) and 25, 27 of the Arms Act at Police Station Cantonment, Amritsar City, District Amritsar.

Brief facts of the case are that the aforesaid FIR, has got been registered by one Balbir Singh. The petitioner had surrendered before the Court of Illaqa Magistrate at his own and after undergoing the police remand, he is in judicial custody. It is further alleged in the FIR that on 18.06.2017, one Karaj Singh was raising construction over a shop and Sanjeev Kumar and the co-accused Sunil Kumar were

stopping him from doing so, the matter got agitated and the accused party started pelting brick bats and empty glass bottles upon Karaj Singh and others. It is further alleged in the FIR that the co-accused Surinder Chaudhary raised lalkara upon which the petitioner gave a brick bat blow on the head of Constable Rajesh Kumar. Earlier the case was registered under Sections 307, 186, 353, 148, 149, 336 IPC read with Section 25/27/54/59 of the Arms Act but subsequently on account of death of the injured, offence punishable under Section 302 IPC has been added. It is further averred that no weapon of offence has been attributed to the petitioner. Thereafter, on completion of the investigation, challan was presented against the accused persons and the co-accused of the petitioner namely Surinder Kumar Chaudhary and Rajnish Kumar have already been granted the concession of regular by this Court.

Counsel for the petitioner has submitted that as per the allegations in the FIR, the petitioner gave a brick bat blow on the head of the deceased i.e. Constable Rajesh Kumar. It is further submitted that the petitioner is in judicial custody since 08.09.2017, charges have been framed against the petitioner and conclusion of the trial is likely to take some time.

Counsel for the petitioner has further argued that the petitioner is ready to compensate the victim i.e. widow of Constable Rajesh Kumar, by paying a compensation of Rs.5 lacs.

Counsel for the State as well as counsel for the complainant have no serious objections to the same that the victim – Monika Rani, widow of deceased Constable Rajesh Kumar, be

compensated by way of making a compensation of Rs.5 lacs.

Without commenting anything on merits of the case, considering the custody of the petitioner and the stage of the trial and also in view of the fact that counsel for the complainant has no serious objection that a compensation of Rs.5 lacs by way of a demand draft, favouring the victim – Monika Rani, widow of Constable Rajesh Kumar, be submitted at the time of furnishing the bail/surety bonds, this petition is ***allowed*** and the petitioner is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

The payment of compensation of Rs.5 lacs to the victim – Monika Rani, shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

13.03.2019

yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No