

CRM-M-6835 of 2019

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

CRM-M-6835 of 2019
Date of Decision: 10.04.2019

Bharat Kumar @ Sanju

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present:- Ms. Kamlesh, Advocate, for the petitioner.
Ms. Sudeepti Sharma, Addl. A.G., Punjab.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in a case arising from FIR No.120 dated 24.10.2018 registered under Sections 302/34 IPC (Section 201 IPC added later on) at Police Station Amloh, District Fatehgarh Sahib.

According to the prosecution, on 31.01.2015, Shibu Mahant, father of the complainant, was murdered by his disciple Poonam Mahant (petitioner in connected CRM-M-11938 of 2019) to usurp house of the deceased and succeeded in doing so on the basis of a forged 'will' allegedly executed by Shibu Mahant though deceased Shibu Mahant had already executed a 'will' much prior to his death in favour of his legal heirs. Complainant, believing the story putforth by Poonam Mahant that his father had died due to heart attack, cremated his dead body without any suspicion about the murder of his father. However, after three years, complainant

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came across a discussion of petitioner and Poonam Mahant in a CD, wherein Poonam Mahant, admitting her guilt of murdering Shibu Mahant threatened the petitioner that in case, she is booked for the death of Shibu Mahant, he would also be implicated. Thus, complainant lodged the impugned FIR against the petitioner and Poonam Mahant for murdering his father.

Learned counsel for the petitioner *inter alia* contends that entire prosecution case is based on a CD, which too does not show in any manner complicity of the petitioner. He has falsely been implicated. FSL report qua voice in the CD has not been received as yet. Petitioner is in custody since 24.10.2018. Conclusion of trial may take a sufficient long time. No useful purpose would be served by detaining the petitioner any more in jail.

On the other hand, learned State counsel has not been able to refute above submissions.

Considering overall facts and circumstances, but without expressing any opinion on the merits of the case, the petition is allowed. Consequently, petitioner is ordered to be released on bail during pendency of trial, on his furnishing bail bonds and surety bonds to the satisfaction of Trial Court/Duty Magistrate concerned.

April 10, 2019
R.S.

(RAMENDRA JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No