

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8489-2019
Date of decision: 27.03.2019

Raj Kumar @ Raja

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Ms. Ritu Punj, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.125 dated 18.06.2017 under Sections 302, 304, 307, 186, 353, 148, 149, 336 IPC and Sections 25/27/54/59 of Arms Act, registered at Police Station Cantonment Amritsar, District Amritsar.

Brief facts of the case are that the aforesaid FIR has been registered by one Balbir Singh. The petitioner had surrendered before the 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 when 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 bet blow on the head of Constable Rajesh Kumar. Earlier the case was registered under Sections 307, 186, 353, 148, 149, 336 IPC read with Sections 25/27/54/59 of 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 injury has been attributed to the petitioner. Thereafter, on completion of the investigation, challan was presented against the accused persons and co-accused of the petitioner namely Surinder Kumar Chaudhary and Rajnish Kumar have already been granted the concession of regular bail by this Court.

Learned counsel for the petitioner submits that all other co-accused of the petitioner namely Surinder Kumar Chaudhary, Rajnish Kumar and Pawan Kumar have already been granted the concession of regular bail. It is further submitted that as per allegations in the FIR, the petitioner was stopping other party from raising construction over a shop and thereafter, he called co-accused Surinder Kumar Chaudhary and Pawan Kumar, who came at the spot and the fatal blow is attributed to Pawan Kumar, who has already been granted the concession of regular bail vide order dated 13.03.2019 passed in CRM-M-4974-2019. Learned counsel further submits that the petitioner is in custody since 04.10.2018; charges have been framed and since no prosecution witness has been examined so far, conclusion of the trial is likely to take some time. It is also submitted that the petitioner is ready to compensate the victim i.e. widow of Constable Rajesh Kumar, by paying a compensation of Rs.1.00 lac.

Learned State counsel has no serious objection to the same if the petitioner pays the compensation of Rs.1.00 lac to the widow of deceased.

Without commenting anything further on merits of the case,

considering the custody of the petitioner and the stage of trial and also in view of the fact that learned State counsel has no serious objection that a compensation of Rs.1.00 lac by way of a demand draft, favouring 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 furnishing his bail/surety bond to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

The payment of compensation of Rs.1.00 lac to 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.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

27.03.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No