

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

**Crl. Misc. No.M-13368 of 2019 (O&M)
Date of Decision: October 03, 2019**

Ram Chand

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagmohan Bansal, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G, Punjab.

Mr. S.S.Grewal, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 91 dated 25.07.2016 registered for the offences punishable under Sections 302, 307, 447, 506, 511, 120-B, 148, 149 of Indian Penal Code and 25 & 27 of Arms Act, at Police Station Dehlon, District Ludhiana.

The aforesaid FIR was registered at Police Station Dehlon, District Ludhiana for the murder of Dharmpal husband of complainant on 21.07.2016. During investigation by the police, the petitioner was found innocent and challan was presented against remaining accused Raj Kumar and Kuldeep Singh. After committal of the case to the Court of Session,

Kumar, Darshna Devi wife of Des Raj, Usha Rani wife of Harmesh Kumar and Shubham son of Harmesh Kumar were ordered to be summoned by the trial Court on the application under Section 190/239 and 240 Cr.P.C.. The petitioner was arrested in this case on 28.02.2019.

Learned counsel for the petitioner has argued that petitioner was found innocent and his custodial interrogation during trial was not required by the police, as such, he be extended the benefit of regular bail. Even injured-Sanjay, who was examined as PW-2 has stated that petitioner was not present at the time of incident.

Learned counsel for the complainant submits that as per allegations in the FIR, petitioner was present at the spot and deceased suffered two bullet injuries out of which one was attributed to the petitioner.

Learned counsel for the petitioner submits that no weapon was recovered from the petitioner. Only one weapon was recovered from his co-accused Raj Kumar.

It is evident that police after thorough investigation has found the petitioner as innocent. As per the police investigation, it was found that petitioner was not at the spot at the time of incident.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Ram Chand is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

October 03, 2019
Jyoti-II

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>