

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

232/2

**Crl.Misc. No.M-29687 of 2018
Decided on: 20.3.2019**

Utsav Shrivastava

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Sandeep Arora, Advocate, for the petitioner

Mr. Amit Mehta, Senior DAG, Punjab

Daya Chaudhary, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.96 dated 9.11.2017, under Sections 302, 304 and 34 IPC read with Section 25 of Arms Act, 1959, registered at Police Station Jalandhar Cantt., District Jalandhar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case whereas he was not involved. It is a case of blind murder and appears to be an accidental death. The petitioner has been implicated subsequently, whereas, in the initial version of the complainant-brother of the deceased, his name was not mentioned. In the supplementary statement of complainant recorded on 17.11.2017, the petitioner and co-accused were named. Learned counsel submits that as per version of the prosecution, the petitioner has already been connected with the commission of offence on the basis of recovery of purse, one silver ring and silver locket belonging to the deceased, which were alleged to be recovered from the co-accused, whereas no recovery in-fact was effected from him. Statement of

complainant has been recorded by the trial Court and nothing has come in the statement. Out of total 22 prosecution witnesses, 6 witnesses have been examined and 3 witnesses have been given up. Still it may take time in final conclusion of the trial. The petitioner is in custody since 5.12.2017 and is ready to abide by the terms and conditions to be imposed by this Court or by the trial Court. Even the application moved under Section 319 Cr.P.C. for summoning additional accused has already been dismissed.

Learned State counsel has not disputed custody period of the petitioner and status of the trial but opposed the bail petition on the ground of seriousness of the offences.

Heard learned counsel for the parties and have also perused the contents of FIR and other documents available on the file.

Admittedly, the case is based on circumstantial evidence and no direct evidence is there. By considering the custody of the petitioner since 5.12.2017 and also the fact that total six witnesses have been examined and 3 witnesses have been given up; to implicate the petitioner, moreover, the statement of the complainant was recorded subsequently, on the basis of which the petitioner has been implicated, the present petition is allowed. Petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(DAYA CHAUDHARY)
JUDGE

20.3.2018

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No