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

CRM-M-27967 of 2019

Date of decision: July 09, 2019

Happy

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Madhur Goyal, Advocate for
Mr. Harshit Jain, Advocate for the petitioner.

Mr. Saurav Khurana, DAG Punjab.

MAHABIR SINGH SINDHU, J (Oral)

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.297 dated 24.08.2017, under Sections 302, 120-B of Indian Penal Code, 1860, registered at Police Station Focal Point, District Ludhiana.

As per prosecution case, one Ravi and other accused including petitioner murdered the brother of complainant-Ved Parkash.

It is contended by learned counsel for the petitioner that he is in custody since 27.08.2017 and there is no incriminating material to connect him with the commission of offence. Also contends that even the photographs which have been duly produced on record by prosecution are also not reliable pieces of evidence to fasten him with

liability in the present case. It is also the contention of the petitioner that out of total 20 prosecution witnesses, only 6 have been examined, thus, the trial will take long time.

On the other hand, learned State counsel has opposed the prayer of the petitioner and has submitted that as per CCTV footage captured from the camera installed at Max Gas Agency near the place of occurrence, presence of petitioner along with other co-accused is clearly visible and he has been duly identified by the complainant at the time of recording of his testimony before learned trial Court.

Heard both sides and perused the paper-book.

FIR was registered on the basis of statement of complainant-Ved Parkash and he has duly supported the version before learned trial Court. This witness has specifically deposed that he visited the place of occurrence along with police party and seen CCTV footage of the camera installed outside Max Gas Agency to prove the presence of present petitioner along with other co-accused. He has also deposed that deceased was inflicted injuries by co-accused-Ravi and petitioner has duly accompanied him at the place of occurrence and he caught hold of the deceased. Although, photographs Mark-D1 to Mark-D6 are stated to be blurred, but the same cannot be helpful to the petitioner in view of clear and categorical testimony of PW1-Ved Parkash-complainant as well as Compact Disc (CD), which is already part of learned trial Court record. Thus, without commenting any further lest it may prejudice the case of the petitioner, this Court does not deem it appropriate to release him on bail pending trial.

Petition stands dismissed. However, keeping in view the custody of the petitioner, learned trial Court is requested to expedite the trial. Needless to say that observations made above may not be construed as an expression of opinion on merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

July 09, 2019

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Whether speaking/ reasoned: **Yes**

Whether Reportable: **Yes**