

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

277

CRM-M-30237 of 2019 (O&M)

Date of decision: 25.07.2019

Pawan Kumar @ Rudar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rahul Jaswal, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

Prayer in the petition is to grant regular bail in FIR No.120 dated 20.05.2018 under Sections 302, 201, 34 of the Indian Penal Code, Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner contends that the entire case of the prosecution is based upon circumstantial evidence and the first informant while appearing in evidence before the Court has stated that he has never seen the accused earlier or after the occurrence. The relevant part of the statement is extracted as under:-

“I met the police once, with regard to the present case. I have never seen accused Pawan Kumar and Suraj Kumar earlier or after the occurrence. I have not seen Rinki while committing the murder of Sandeep Kumar @ Topi.”

On the other hand, learned State counsel has submitted that trial is in progress and therefore, the petitioner should not be granted concession

of regular bail. On a pointed question, learned State counsel has admitted that only one witness has been examined out of 22 which prosecution proposes to examine. The petitioner is in custody since 22.05.2018 i.e. for a period of more than one year. The petitioner is not involved in any other case.

Without commenting on the merits of the case and keeping in view the fact that the trial of the case is likely to take a long time, the petitioner is directed to be released on regular bail subject to furnishing of adequate personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ludhiana.

Accordingly, the petition is allowed.

25.07.2019

D.Bansal

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No