

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

(230)

CRM-M No.7667 of 2020

Date of decision: 12.03.2020

Davinder Singh Randhawa

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Lakhvinder Singh Dandiwal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

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RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.114 dated 09.10.2018 under Section 306 and 34 IPC, registered at Police Station GRP Bathinda, District Bathinda.

Earlier, the petitioner was unsuccessful in making prayer for anticipatory bail on two occasions. CRM-M-27375-2019 was dismissed as withdrawn on 16.07.2019. Thereafter, in CRM-M-3782-2020, prayer for grant of anticipatory bail was dismissed. In CRM-M-27375-2019, an order was passed on 27.06.2019, directing the petitioner to surrender before the Court within a

week and apply for regular bail. In the event of doing so, the Court was directed to decide the bail application on merits within further seven days. After the order dated 27.06.2019 even prior to the order passed by this Court in CRM-M-3782-2020 on 03.02.2020, the petitioner has surrendered before the trial Court on 07.01.2020 and since then he is in custody.

Learned counsel for the petitioner states that main accused Shammi Bala has already been acquitted by the Additional Sessions Judge, Bathinda, vide judgement dated 12.12.2019. Proceedings qua the petitioner were ordered to be revived after his arrest and produced in the Court. After the arrest of the petitioner, the proceedings were revived and the petitioner is facing trial.

The factual matrix of the case has not been disputed by the Learned State counsel, on instructions from ASI Manjit Kumar. Even in the statements of complainant Jagtar Singh (PW1) and Bikkar Singh PW2, during the trial of main accused Shammi Bala, it has come on record that deceased Jagraj has committed suicide due to depression. The witnesses pleaded ignorance about the main accused Shmmi Bala and the petitioner and gave them clean chit.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

12.03.2020

Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No