

CRM-M-14235-2020 (O&M)

Date of Decision : 05.11.2020

RAVI KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Naveen Bawa, Advocate for the petitioner.

Mr. B.S. Sewak, Addl. AG, Punjab.

Harinder Singh Sidhu, J

The case has been taken up through video conferencing on account of Covid-2019 pandemic.

Prayer is for grant of bail in case FIR No.63, dated 30.07.2016 under Section 346 IPC (Sections 302, 201 and 34 IPC added later on) registered at Police Station Sarabha Nagar, District Ludhiana City.

The FIR was registered on the statement of Sachin Kumar alleging that on 28.07.2016, at about 07.10 p.m. his brother Arun Kumar @ Annu had gone from his house on his motor-cycle leaving behind his mobile phone and wallet at home. When Arun Kumar did not return, the family tried to search for him but they could not find any clue. On 29.07.2016, a message was received from Police Post Raghunath Enclave that the motor-cycle of Arun Kumar was found from the canal bridge but there was no clue regarding Arun Kumar. On 31.07.2016, the dead body

of Arun Kumar (deceased) was recovered and there were some injuries on him. The post-mortem was conducted but the actual cause of death could not be determined. On 28.08.2016, the statement of Santosh Devi, mother of the deceased was recorded under Section 161 Cr.P.C. wherein she stated that on 28.07.2016, at about 07.10 p.m. Arun Kumar (deceased) had gone from the house. One person who was wearing white shirt was also with him. Thereafter, on 25.07.2019, Santosh Devi, mother of the deceased got recorded her supplementary statement wherein she suspected some persons namely, Raj Kumar @ Raju, Rajinder Kumar, Sunny Kumar, Devinder Kumar, Raj Kumar, Vaneet Kumar and Parmod Kumari, may have been involved in the murder of her son. However, they were found to be innocent. About three years after the incident, Poonam Rani, sister of the deceased got recorded in her statement on 28.07.2016, that she had seen the petitioner Arun Kumar on motor-cycle with Ravi Kumar alias Billa. It was on the basis of the aforesaid statement that the petitioner had been nominated as an accused in this case.

Learned counsel for the petitioner has argued that the name of the petitioner has not been named in the FIR. He was not named in the supplementary statement of Santosh Devi either. It is only after about 3 years of the alleged incident that a statement of the sister of the deceased has been recorded wherein she has stated that she had seen the deceased in the company of the petitioner on a motor-cycle, which is highly unbelievable for the reason that if the petitioner had been seen in the company of the deceased then the sister of the deceased might have informed her family members or the parents.

Learned State counsel states that the investigation in the case has been completed. The petitioner is in custody since 26.07.2019. The challan has been presented.

The trial of the case has not made any headway because of the prevalent pandemic Covid-2019. The co-accused of the petitioner namely, Kancha, who has been implicated on the alleged disclosure statement of the petitioner has already been declared Proclaimed Offender.

In these circumstances, no useful purpose would be served by keeping the petitioner behind the bars. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/ Duty Magistrate Ludhiana.

(HARINDER SINGH SIDHU)
JUDGE

November 05, 2020
Manpreet

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No