

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

CRM-M-18236-2020 (O&M)

Date of decision: 18.12.2020

Karan @ Kannu (Karan Gautam)

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Kunal Kapoor, Advocate for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

Mr. P.S. Gill, Advocate for the complainant.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Karan @ Kannu (Karan Gautam), aged about 29 years, an accused in FIR No.166 dated 03.11.2019, for offences under Sections 302, 201, 120-B and 34 IPC, registered with Police Station Sadar, District Hoshiarpur.

Briefly stated facts of the case as per prosecution version are that, on 27.10.2019, Karan Saini deceased told his younger brother Sanjeev Kumar, resident of H.No.121, Mohalla New Jagatpura, Police Station City, Hoshiarpur that his friend Kalpana Dass was coming from Calcutta and he was to go to Amritsar Airport to receive her. On the same day, Karan Saini along with Kaplana Dass came home at about 7.30 PM but parents of deceased objected to his having brought a girl who was

stranger to the family and did not allow them to stay there. As such, Karan Saini along with said girl went to Hotel Fine Dine. Karan Saini came home on 28.10.2019 at about 6.30 PM, took some money and clothes, stating that he along with his friend was going to some places and thereafter, he left. On 29.10.2019, Karan Saini made a telephonic call to his brother informing that he along with his friend Kalpana Dass, Karan @ Kannu (present petitioner) son of Chandan Gautam and Rahul, resident of Jalandhar had gone together. However, on 31.10.2019, while complainant was present in his house, he was informed that dead body of his brother Karan Saini was lying on the ground of Kotla Gaspur. The complainant along with family members accordingly went there and saw dead body of his brother Karan Saini lying there with froth coming out of his mouth. The matter was reported to the police. Proceedings under Section 174 Cr.P.C. was carried out. Post mortem examination was got performed on the dead body of Karan Saini. The complainant made enquiries with regard to unnatural death of his brother and came to know that Kalpana Dass wanted to marry the deceased but she had friendship with Rahul and Kannu and all three of them in conspiracy with each other had brought Karan Saini with them on the pretext of going outside and had administered some poisonous substance to him by fraud, resulting in his death. On the basis of statement of complainant Sanjeev Kumar, formal FIR in the matter had been registered on 03.11.2019. The investigation in the case started. Petitioner/accused was arrested in this case on 03.11.2019.

The petitioner had moved a petition for regular bail before

Court of Sessions at Hoshiarpur, however, his such petition was dismissed by learned Sessions Judge, Hoshiarpur on 23.06.2020. As such, he has approached this Court, craving for grant of similar relief, which request is being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the parties besides going through the record.

As per prosecution story, petitioner/accused Karan @ Kannu along with his co-accused had administered poison to the deceased fraudulently, however, admittedly, as per report received from the Forensic Science Laboratory, no trace of any poison in the viscera of the deceased was detected. Therefore, the case of the prosecution in that regard becomes doubtful. The petitioner is behind bars for more than one year. The completion of trial against him is likely to take some time. The guilt of the petitioner shall be determined during the trial. Therefore, keeping in view the facts and circumstances of the case, the petition in hand calls for acceptance. The same is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Hoshiarpur, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses; and
- (iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

To address the apprehension expressed by counsel for the complainant that the petitioner may try to abscond, it is directed that CJM, Hoshiarpur or Duty Magistrate/Illaqa Magistrate, Hoshiarpur accepting the bonds shall ensure that the bond for sufficient heavy amount be taken, which are to be furnished by persons having sufficient immovable property within the local jurisdiction of the Court. Copies of the title deeds be got attached with the bonds, making endorsement on the original that surety with regard to those properties have been furnished in the Court.

18.12.2020

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No