IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105 **CRM-M No.19398 of 2020**
Date of decision:22.9.2020

JASVIR SINGH **.....Petitioner**

Vs

STATE OF PUNJAB **.....Respondent**

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

Present: Mr.Amit Sharma, Advocate
for the petitioner.

Mr.Ramdeep Partap Singh, DAG, Punjab.

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RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks regular bail in his second attempt in case bearing FIR No.9 dated 30.1.2017 registered under Sections 302, 34 IPC at Police Station Machhiwara, Khanna District Ludhiana.

Earlier CRM-M No. 28515 of 2018 filed by the petitioner was dismissed as withdrawn vide order dated 17.7.2018.

As per the prosecution case, FIR was registered at

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the instance of Mandeep Kaur wife of Sukhdev Singh. The allegations are that, husband of the complainant went outside the house on a call given by Ramanjeet Singh @ Ravi. Complainant heard the scream of her husband and she immediately came outside of the house and saw that Ramanjeet Singh @ Ravi along with two boys (not known, but could be identified if brought before the complainant) was beating the husband of the complainant. Ramanjeet Singh @ Ravi gave 2-3 *kirch* blows on the head of the husband of the complainant and he fell down on the pile of pebble stones. Ramanjeet Singh @ Ravi along with others ran away from the spot on a motorcycle. Ultimately, husband of the complainant succumbed to his injuries in the hospital.

Learned counsel for the petitioner submits that no specific injury has been attributed to the petitioner except to allege that he was one of the three persons, who were present outside the house of the complainant. Investigation of the police is silent about the third person. Petitioner has been implicated on the basis of supplementary statement dated 8.5.2017 got recorded by the complainant after more than three months of the original occurrence. The source of information has not come forth. A confessional statement of the co-accused was also got recorded under Section 27 of the Indian Evidence

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Act, wherein he had confessed that he had gone to the spot with the petitioner, but no role has been attributed to the petitioner. Petitioner is in custody since 17.5.2017 i.e. 3 years and 4 months. Out of total 20 prosecution witnesses, 18 witnesses have already been examined.

Learned counsel for the petitioner contends that the prosecution has filed an application under Section 311 Cr.P.C. for recording the statements of additional witnesses and the same is pending before the trial Court. Now the trial has come to a halt in view of the situation arising out of Covid-19 pandemic.

The factual aspect of the case has been admitted by the learned State counsel, on instructions from ASI Darshan Singh. However, he has opposed the prayer on the ground that the petitioner is one of those three persons, who came to the house of the complainant.

Looking to the aforesaid factual details and the stage of trial in view of pendency of the application under Section 311 Cr.P.C. and without meaning anything on the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, this petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial

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Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

September 22, 2020
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Whether reasoned/speaking **Yes/No**
Whether reportable **Yes/No**

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