

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

CRM-M-19735-2020 (O&M)

Date of decision: 27.08.2020

Manoj Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Anterpreet Singh, Advocate for the petitioner.

Mr. S.S. Deol, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 23 dated 17.02.2017 registered under Sections 302 and 34 IPC at Police Station Railway Police (GRP), District Ludhiana.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. The alleged occurrence took place on 04.03.2016, whereas the above-noted FIR was registered after a gap of more than 11 months i.e. on 17.02.2017, on the statement of Raj Bala, mother of the deceased-Satyavan. The report of Chemical Examiner is still awaited.

Learned State counsel while opposing the prayer made in the present petition, submits that though the FIR was registered against the unidentified persons, yet mother of the deceased has named the petitioner and

his wife in her supplementary statement. He further points out that there are statements of two witnesses, namely, Kuldeep Khosa and Satish Kumar, before whom the petitioner and other co-accused, are stated to have made an extra-judicial confession. In the statement of Kuldeep Khosa, it came on record that he had last seen the deceased with the petitioner on 03.03.2016. However, the learned State counsel does not dispute the factum of registration of FIR after a gap of 11 months. He also submits that he could not verify the factum regarding non-receipt of report of the chemical examiner from the Investigating Officer.

I have heard learned counsel for the parties.

The present FIR has been registered after a period of more than 11 months of the alleged occurrence. The case appears to be based on circumstantial evidence on the theory of last seen.

Challan has been presented. No prosecution evidence has yet been examined. The petitioner has been in custody since 18.02.2017. Trial of the case is in the offing, which may take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner in captivity.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

27.08.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No