

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 22323 of 2019 (O&M)
Date of Decision: 04.9.2020

Deepak

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohit Garg, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

Mr. Davinder Kumar, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-21563-2019

This is an application for placing on record statements of complainant Rohit as Annexure P-6 and Prema Devi as Annexure P-7.

The application is allowed as prayed for. Annexures P-6 and P-7 are taken on record.

CRM-M-22323-2019

The petitioner seeks regular bail in FIR No. 54 dated 27.3.2018 under Sections 307/323/341/506/148/149 and 302 IPC (added later on) registered at Police Station Shaheed Bhagat Singh Nagar, District Ludhiana.

Learned counsel for the petitioner submits that complainant

Rohit and his mother Prema Devi went to the police station and stated that

their son was having illicit relations with Preeti and Preeti, her husband Amar Chand along with their brother-in-law (Jija) have committed the murder of Sarwan. It is further submitted that during investigation, the investigating agency found petitioner Deepak innocent. Since the cancellation report could not be brought on record, the prosecution agency has presented the challan against petitioner. Learned counsel further submits that complainant Rohit, who appeared as PW-3 on 5.3.2019 and 18.4.2019, has resiled from his statement and was declared hostile. Learned counsel also submits that the petitioner has been in custody from the last two years and five months and there is no other case against him.

Learned State counsel, assisted by learned counsel for the complainant, submits that in the FIR, specific allegations have been levelled against petitioner Deepak that he had given baseball bat blow on the head of the deceased.

Custody certificate by way of affidavit of Deputy Superintendent, Central Prison, Ludhiana has been filed through e-mail. Copy of the same is taken on record.

In the present case, earlier the cancellation report was filed by the prosecution agency, after investigation of the case. Now at this stage, complainant Rohit has resiled from his statement. Admittedly, there is no other case against the petitioner. As per the custody certificate, the petitioner has been in custody from the last 02 years, 05 months and 03 days. The trial will take time to conclude. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the

petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

September 04, 2020
Gurpreet

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