

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-24075-2020 (O&M)

Date of Decision: September 17, 2020

Bille @ Billa @ Baldev Raj

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Prateek Sodhi, Advocate
for the applicant-petitioner.

Mr. Ajay Pal Singh Gill, D.A.G., Punjab.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

CRM-22850-2020

For the reasons mentioned in the application, same is allowed as prayed for. Statements of PW2 - Bunty, PW3 - Sakshi, PW4 - Indro Devi, PW6 - Vicky and PW7 - Rajan, collectively annexed as Annexure P-3 with the application, are taken on record, subject to just exceptions.

Application is disposed of.

CRM-M-24075-2020

The petitioner prays for grant of bail pending trial in FIR No.101, dated 25.09.2017 under Sections 326-A, 307, 506, 148, 149 IPC, registered at Police Station Kathu Nangal, District Amritsar.

Learned counsel for the petitioner submits that the petitioner is not even related to the family of the deceased or her in-laws. The alleged incident took place on 24.09.2017 and the victim died on 14.11.2017. Statement of the victim was recorded on 25.09.2017. The petitioner, it is submitted, is named as an accused as he is a friend of the father-in-law of the deceased. The FIR, it is submitted, was initially registered due to a matrimonial dispute between injured and her in-laws. The matter was compromised between the injured and her in-laws. However, the injured unfortunately passed away on 14.11.2017 due to natural causes. It is further submitted that the alleged eye-witnesses of the incident have not supported the prosecution version. Learned counsel refers to the statement of PW-3 Sakshi, who is admittedly the deceased's Bhabhi. Deceased was the sister-in-law (Nanad) of PW-3. Indro Devi PW-4, who is the aunt (Bhua) of the deceased has also not supported the prosecution case. A neighbour PW2 Bunty, another alleged eyewitness and PW-6 Vicky, a brother-in-law of the deceased have also not supported the prosecution case.

Learned counsel for the State is unable to deny that the material witnesses have not supported the prosecution version, though, it is argued that the statement of the deceased made on 25.09.2017 has to be treated as her dying declaration and due weightage should be given to the same.

Doubtlessly the learned Trial Court shall consider the entire evidence on record, including the statement of the deceased recorded on 25.09.2017 besides the medical evidence while concluding the matter.

Be that as it may, it is not denied that the petitioner has been in custody since November 2018. The material witnesses have not supported

the prosecution version. Nearly 16 witnesses are yet to be examined. There is no allegation that the petitioner is likely to abscond or influence witnesses. Due to the situation created by the outbreak of the pandemic COVID-19, trial in this case is not likely to be concluded in the near future. No useful purpose would be served by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

17.09.2020

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No