

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

212

**CRM-M-23941-2020
Decided on : 26.08.2020**

Rajinder Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Ajay Kumar Sharma, Advocate for the petitioner (s).

Mr. A.S. Sandhu, Addl. AG, Punjab.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks grant of regular bail in FIR No.114 dated 16.09.2019 under Sections 302, 460, 380, 411, 201, 34 IPC registered at Police Station Balongi, District SAS Nagar, Mohali.

The FIR had been lodged by Rajiv Rahlan son of the deceased Kamlesh Kumari. As per the allegations made in the FIR on the night of 15.09.2019 one unknown person wearing red-yellow shirt had entered into the house of the complainant and his wife got up and started shouting. Thereafter, they had run after the person who had run into the darkness. When they came back they saw that their mother Kamlesh Rani had been strangled. The theft of Rs.2,500/- lying in the medicine box and a Jio Mobile phone etc. had taken place by the said person, who had entered after removing the glass in the door fixed in the lobby and same had been unbolted by putting the hands through the grill.

Counsel for the petitioner has submitted that as per the investigation as such it transpires that three persons namely Vikas Pandey, Ravi and son of the petitioner Aman Sharma were involved in the crime. The petitioner was only implicated on account of the fact that the sim which was in his name was being used in the Jio Mobile Phone, which had been picked up from the house of the deceased. It is submitted that the petitioner was arrested prior to the accused Ravi Sahu and as per the statement of SI Sulakhan Singh, who is the Investigating Officer (Annexure P-3), the said fact has also been mentioned regarding the recovery from the petitioner and his son.

Vide order dated 10.06.2020 (Annexure P-4), the bail has been rejected by the Additional Sessions Judge, SAS Nagar, Mohali, on the ground that the allegations against the petitioner were quite serious and grievous in nature.

Mr. Sandhu, on instructions received from ASI Kewal Singh, has submitted that the main accused as such were working as Painter etc. in the house of the deceased. Thus, being well acquainted regarding the number of people in the house had misused the knowledge to commit the crime. The recovery of various items including the purse of the deceased etc. have also been effected at their instance.

Keeping in view the fact that the petitioner is in custody since 23.02.220 and it would be a matter of debate whether he is liable to be convicted under the offences for Section 302 IPC for which the police has nominated the other accused. Resultantly, the petitioner is entitled

for the benefit of regular bail and he be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate, SAS Nagar, Mohali.

The petition stands allowed, accordingly.

AUGUST 26, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

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