

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

208

**CRM-M-26760-2020
Decided on : 11.09.2020**

Vaisakhi @ Sonu

... Petitioner

Versus

State of Punjab

... Respondent

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

Present: Ms. Monita Mehta, Advocate for the petitioner (s).

Mr. H.S. Sullar, DAG, Punjab.

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

G.S. Sandhawal, J. (Oral)

In the present petition filed under Section 439 Cr.P.C., the petitioner seeks regular bail in FIR No.52 dated 22.05.2018 under Sections 302, 382 and 411 IPC registered at Police Station Mehtiana, District Hoshiarpur.

Counsel for the petitioner submits that the petitioner is in custody since 26.05.2018 and has undergone 2 years 3 months 15 days as per the custody certificate dated 10.09.2020 furnished by the State. It is submitted that it is a case of blind murder as per the FIR and only on account of supplementary statement of the son of the deceased he has been roped in. It is further submitted that the petitioner is HIV+ve and also suffering from ailment of Piles by placing reliance upon Annexure P-3 issued by the Medical Officer, Central Jail, Hoshiarpur. It is submitted that out of the 18 witnesses only 6 have been examined and trial is liable to take considerable time.

A perusal of the FIR which was lodged by Surinder Singh son of the deceased would go on to show that the deceased was staying in a Haveli separately. On 21.05.2018 the complainant went home after giving food to his father at 9:30 PM. Next morning at 6:30 AM, when they had gone for feeding animals and take tea for their father, they had seen that his dead body was lying on the cot in the veranda and a blood stained *Darawar* of Tractor/Heavy Iron Slab was lying near the cot. Resultantly, it was stated in the FIR that some unknown persons have killed their father by hitting *Darawar* of the Tractor while he was sleeping.

The bail application has been declined on the ground that the complainant has reiterated his version and that the ring of the deceased was recovered from the applicant. Counsel further submitted that in the supplementary statement it has come forth that the father had told the complainant that the petitioner had demanded money from him for intoxicants, which he had refused and on this account the petitioner had threatened his father to kill him. It was on that basis he had nominated the petitioner as accused for bringing in the motive element.

The petitioner was arrested 4 days later on the basis of the supplementary statement. The FIR was lodged at 1:54 PM, whereas the body was discovered at about 6:30 AM in the morning. Sufficient time as such was available with the complainant also to name the petitioner at that point of time.

In such circumstances, this Court is of the *prima facie*

opinion that it is a case of blind murder as such and counsel has made out the petitioner be given concession of regular bail. As noticed above, out of 18 witnesses only 6 witnesses have been examined and it take considerable time for the trial to be completed. The petitioner does not have any other case against him and is a resident of the same village and therefore, chances of absconding are not there.

Accordingly, the present petition is allowed. The petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqua Magistrate/Duty Magistrate, Hoshiarpur.

September 11, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No