

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

CRM-M-30100-2020 (O&M)

Date of Decision: October 30, 2020

Khushia alias Khushi Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Brijeshwar Singh Bhalla, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 101 dated 25.09.2017 under Sections 326 A, 307, 506, 148, 149 IPC (Section 302 IPC has been added later on) registered at Police Station Kathunangal, District Amritsar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 27.11.2018, while submitting that he has been falsely implicated in the present case. It is argued that in fact the alleged incident took place on 24.09.2017 and the FIR was got registered on 25.9.2017 on allegations that she had been set on fire. The victim is the daughter-in-law of brother of the petitioner who in

fact died on 14.11.2017 due to natural causes. It is further argued that there was an affidavit executed by Seema the deceased during her lifetime that she did not want to peruse with the FIR but she died soon thereafter. It is submitted that there are affidavits available dated 30.11.2017 submitted by the brother and father of the deceased to the effect that they would have no objection in case the FIR is quashed. Learned counsel would also rely upon the regular bail allowed to the co-accused Bille@ Billa@ Baldev Raj in CRM-M- 24075-2020 dated 17.09.2020 and prays for grant of bail while stating that the conclusion of trial will take sufficient time, therefore, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, vehemently opposes the grant of regular bail to the petitioner, while submitting that the bail allowed to the co-accused by the Co-ordinate Bench would have no material bearing on the instant matter since the petitioner is closely related to the father-in-law, being his elder brother, and that the deceased had specifically named him in the FIR as a person who had poured petrol upon the deceased and set her on fire.

I have heard learned counsel for the parties.

Since, due to pandemic COVID-19 situation, the trial is likely to take some time. In view of the fact the material witnesses have been examined, as noted by the Co-ordinate Bench, and theses witnesses have not supported the case of the prosecution , as well as the fact that the petitioner herein who is 66 years old and in custody since 27.11.2018 is unlikely to be in a position to abscond, no useful purpose would be served

in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and heavy surety @ ₹2 Lacs to the satisfaction of concerned trial Court/Duty Magistrate.

October 30, 2020	(JAISHREE THAKUR)
<i>seema</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No