

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

**CRM No.M-35087 of 2020 (O&M)
Date of Decision: November 09, 2020**

Rajan

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.K.B.S.Mann, Advocate for
Mr.Ritesh Pandey, Advocate,
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the pandemic COVID-19 situation

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.41 dated 23.08.2019 under Sections 304 and 120-B IPC, registered at Police Station Behrampur, District Gurdaspur.

Notice of motion.

Mr.M.S.Nagra, AAG, Punjab, accepts notice on behalf of the respondent-State. Custody certificate of the petitioner has been sent through E-mail, hardcopy whereof has been placed on record. Mr.S.K.Choudhary, Advocate has appeared on behalf of the complainant.

Heard on the petition.

The aforesaid case was registered at the instance of

complainant Asha Rani wife of late Surinder Pal. As per version of the prosecution, on 20.08.2019, complainant along with her daughter Surekha Devi was present in the house. In the meantime, Rajan called her son Sajan, who went in the street. She also saw that Sachin, Deepak and Balwinder Kumar @ Kaka were also present in the street with their motorcycle. Thereafter, son of the complainant had not returned back. Later on, she had given information about the missing of her son and she enquired also from the accused relating to the whereabouts of her son but she did not receive any answer from them. Thereafter, the complainant alongwith other respectables of the village had gone to the houses of all accused and thereupon, they had disclosed about consuming liquor near bridge Nomini, where some dispute had taken place between them, on account of which, they had pushed Sajan and he fell in the Nomini drain, which led to his death. Thereafter, even the dead body of Sajan was recovered.

Now, it is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in the present case. He is in custody for the last more than 1 years 2 months and 12 days. This fact also stands confirmed from the custody certificate, which has been filed by the State counsel. Also, it is submitted that fellow accused Balwinder Kumar @ Kaka has since been granted by the Coordinate Bench. The challan has already been presented. It is also disclosed by learned State counsel that out of 17 witnesses, 10 witnesses have been examined and complainant has already been examined as PW-3.

Considering the aforesaid fact situation, without dilating on the merits of the case, I deem it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is

ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court.

(ARCHANA PURI)
JUDGE

November 09, 2020
Vgulati

Whether speaking/reasoned
Whether reportable

Yes
Yes/No