

CRM-M-36293 of 2020

Date of Decision: 11.11.2020

Happy Ram

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Naveen Sharma, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 292 dated 30.12.2019, registered at Police Station Canal Colony, District Bathinda, for the alleged commission of offences punishable under Sections 302/34 of the IPC.

Learned counsel for the petitioner at the outset points to the order passed by this court (co-ordinate Bench), in the case of a co-accused of the petitioner, i.e. Rahul Kumar @ Kaku, who filed CRM-M-25542 of 2020, with him having been admitted to bail vide that order, dated 26.10.2020 (copy Annexure P-2).

He submits that the petitioner is identically placed to the aforesaid Rahul Kumar @ Kaku and has been implicated only on account of the fact that he was a friend of the person with whom the deceased allegedly was having an

affair, i.e. Ramandeep Singh alias Ravi.

The order dated 26.10.2020 passed in that petition is reproduced hereinunder:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks regular bail pending trial in FIR No. 292 dated 30.12.2019, under Sections 302, 306, 34 IPC, registered at Police Station Canal Colony, District Bathinda, Punjab.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Inderjit Kaur. Deceased is Amritpal Kaur i.e. sister of the complainant and whose dead body was found hanging in her house on 30.12.2019. As per complainant's version deceased was married to Manjit Singh but such matrimonial alliance broke up. Thereafter she started residing in a rented accommodation and developed illicit relations with one Ramandeep Singh alias Ravi. It is further alleged that the present petitioner namely Rahul as also another co-accused Happy Ram were close friends with Ramandeep Singh alias Ravi and used to take intoxicants together and even made the deceased an addict. FIR has been lodged on suspicion that Amritpal Kaur has been killed by the present petitioner as also by Ramandeep Singh alias Ravi and Happy Ram by hanging her with a fan.

Petitioner was arrested on 31.12.2019.

It is a case of circumstantial evidence.

Counsel has even adverted to the challan document wherein no direct evidence is coming forth to implicate the present petitioner.

Challan has already been presented and charges have been framed. Trial is at the very initial

stage and would take time to conclude keeping in view the current Covid-19 situation.

Without making any observations on merits and keeping in view the length of incarceration already suffered, the petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Bathinda.

It is, however, made clear that observations made in this order are confined only as regards considering the prayer of the petitioner for grant of bail and would have no bearing on the trial.

Disposed of.”

Learned counsel for the State, upon query, could not deny that the petitioner is not any differently placed to the aforesaid Rahul Kumar @ Kaku, with the petitioner also having been in custody since 30.12.2019.

That being so, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate concerned.

November 11, 2020

nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes
No.