

219

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

**CRM-M-45162-2019
Date of decision-15.01.2020**

Surinder Kumar

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ashok Paul Batra, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Surinder Kumar has prayed for grant of regular bail under Section 439 Cr.P.C in case FIR No.93 dated 27.10.2018 registered under Sections 302 and 506 read with Section 34 of Indian Penal Code, 1860 at Police Station Bhavwala, Tehsil Abohar, District Fazilka. The petitioner is in custody since his arrest on 29.10.2018.

The FIR was registered on the statement of Mahinder Kumar son of Gopi Ram wherein it was alleged that on 27.10.2018, Pawan Kumar came to the house of the complainant and informed that Pappu Ram was beating complainant's son, namely, Ramesh Kumar at his house by tying him. When complainant along with his another son, Rajinder Kumar, reached the house of Pappu Kumar, there Surinder Kumar (petitioner) was standing outside the house and stopped them from entering the house. Complainant's son was given beatings with the sticks by Pappu Ram, his

wife and his father-Krishan Lal. In the meantime, someone called the Police who got released complainant's son. They brought victim to Civil Hospital Abohar, where doctor declared him dead. On these broad allegations, FIR was registered.

Learned counsel for the petitioner contends that the petitioner is not an assailant who had allegedly caused injuries to the victim as according to the prosecution itself, the petitioner was standing outside the house of the main accused-Papu where the alleged occurrence of beating to Ramesh Kumar had taken place. He submits that the complainant was informed by Pawan Kumar who has been examined by the prosecution, but he has not supported the prosecution case. Learned counsel has produced the evidence of the complainant-Mahinder Singh, PW-1 to contend that the material witness has been examined and it is the defence set up by the accused that the victim was having illicit relations with the daughter of the main accused-Pappu. According to him, out of 18 witnesses, only three witnesses have been examined and trial is likely to consume considerable time, therefore, further custody of the petitioner may not be justified.

On the other hand, learned State counsel assisted by HC Sukhwinder Singh opposed the prayer on the ground that the offence is serious. However, it is not disputed that the petitioner was not inside the house of the main accused where the occurrence took place. It is pointed out by him that the petitioner was standing outside the said house and prevented the complainant to enter the house of main accused. He submits that witness-Pawan Kumar (PW-2) has not supported the prosecution case who

turned hostile.

Considering the above background, custody of the petitioner who is in custody since 29.10.2018 and the fact that the trial is likely to consume considerable time, this Court is of the opinion that further detention of the petitioner may not be justified, particularly when the remaining witnesses are official witnesses. Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(MANOJ BAJAJ)
JUDGE

15.01.2020
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No