

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

**CRM-M No.45936 of 2019(O&M)  
Date of Decision: 12.10.2020**

**Rahul @ Mogli @ Niyamat**

**.....Petitioner**

**Vs  
State of Punjab**

**.....Respondent**

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. Tarun Vir Singh Lehal, Advocate  
for the petitioner.

Mr. Harbir Sandhu, Assl., A.G., Punjab.

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**RAJ MOHAN SINGH, J.(Oral)**

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.49 dated 17.05.2018 registered under Sections 302, 506, 34 IPC at Police Station Sujanpur, District Pathankot.

The FIR was registered at the instance of the complainant Vijay Kumar. The allegations are that the brother of the complainant namely Mahender Pal has been murdered by the petitioner in connivance with the sister-in-law of the

complainant namely Suman Bala. Complainant Vijay Kumar has been examined as PW 1 who has stated that during treatment, his brother had gained consciousness and he told the complainant that he was badly injured by the petitioner and Suman Bala with knife and brick-bat on the chest. The deceased had even informed the doctor. Dr. Raghubir Singh, Santosh Sohal Hospital, Sujanpur has also been examined as PW-2 who has stated that he had not examined the then injured at the time of preparation of MLR. There were 1-2 attendants of the patient. None of the attendants had disclosed the nature of the injury suffered by the then injured. The patient had disclosed that he had suffered injuries on account of accidental fall.

The testimony of PW-2 would remain debatable as the doctor had not prepared any MLR of the then injured. The petitioner was having some affair with Suman Bala wife of the deceased.

Learned State counsel submits that in the order dated 23.09.2020, the factum of examination of 18 witnesses was wrongly recorded. In fact 23 witnesses have been examined so far out of total 29 prosecution witnesses.

Keeping in view the gravity of the offence, I see no reason to grant any indulgence in favour of the petitioner.

Dismissed.

Nothing expressed hereinabove, shall be construed to be an expression of opinion on the merits of the case.

12.10.2020

(RAJ MOHAN SINGH)  
JUDGE

Prince

Whether speaking/reasoned      Yes/No

Whether reportable      Yes/No