

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

(Heard through VC)

CRM-M-53344 of 2019 (O&M)
Date of Decision: November 09, 2020

Ramesh Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Prateek Sodhi, Advocate
for the petitioner.

Mr. P.S. Walia, 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 of Indian Penal Code (Section 302 of IPC added later on), registered at Police Station Kathunanagal, District Amritsar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 24.10.2017. It is argued that the petitioner is not even related to the family of the deceased or her in-laws. It is submitted that the alleged incident took place on 24.09.2017, the FIR was registered on 25.09.2017 and subsequently, the victim died on 14.11.2017. It is further submitted that there was an affidavit

executed by Seema, the deceased, during her life that she did not want to pursue with the FIR, but she died soon thereafter. It is also 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 for the petitioner would also rely upon order dated 17.09.2020 passed by this court while allowing regular bail to the co-accused Bille @ Billa @ Baldev Raj in CRM-M-24075-2020 to contend that material witnesses have turned hostile and did not support the prosecution version. Learned counsel also relies upon order dated 30.10.2020 passed in CRM-M-30100 of 2020 whereby regular bail has been allowed to another co-accused Khushia alias Khushi Ram. It is also contended that conclusion of trial will take sufficient time, as such, 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, opposes the grant of regular bail to the petitioner, while submitting that there are serious allegations that have been levelled against the petitioner herein. However, he does not dispute the fact that aforesaid two of the co-accused have been allowed regular bail by this court.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 24.10.2017; the material witnesses have been examined and they did not support the prosecution version and that conclusion of trial will take sufficient time, 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 surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

November 09, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No