

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

**CRM-M No.384 of 2021 (O&M)
Date of Decision.23.02.2021**

Krishan Chand @ Krishan

...Petitioner

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Saurav Khurana, DAG, Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail to the petitioner in FIR No.101 dated 25.09.2017 registered under Sections 326A, 307, 506, 148, 149 IPC at Police Station Kathunanagal, District Amritsar.

Learned counsel for the petitioner herein contends that the petitioner is in custody since 27.11.2018. It is contended that the deceased who had suffered burn injuries had initially compromised the matter but unfortunately succumbed to the injuries thereafter. It is argued that brother of the deceased, Ajay Kumar and father, Ved Parkash have executed affidavits regarding the genuineness of the compromise that have been entered into with the petitioner stating therein that they did not want to pursue with the case. It is further argued that one of the eye witnesses has turned hostile before the trial Court and did not support the version of the prosecution. Learned counsel also contends that the complainant herself is

no longer alive, having succumbed to her injuries whereas her brother-Ajay Kumar has not been cited as a witness in the case and his wife-Sakshi did not support the case of the prosecution. It is also submitted that the co-accused has already been allowed bail by this Court in CRM-M No.37651 of 2020 decided on 27.01.2021.

Per contra, learned counsel appearing for the respondent-State opposes grant of regular bail to the petitioner while submitting that the complainant had suffered burn injuries and subsequently died in her matrimonial home, however, does not dispute the fact that the material witnesses have already been examined and the co-accused has been allowed bail.

I have heard learned counsel for the parties.

Keeping in view the fact that statements of the material witnesses have been recorded and the co-accused has already been allowed bail by this Court in CRM-M No.37651 of 2020 on 27.01.2021 no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

February 23, 2021
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No