

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

CRM-M- 800-2021 (O&M)

Date of Decision: January 27, 2021

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... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Prateek Sodhi, Advocate
for the petitioner.
Ms. Monika Jalota, DAG, 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, 307,302, 506, 148, 149 IPC registered at Police Station Kathunanagal, District Amritsar.

Learned counsel for the petitioner contends that the petitioner herein is in custody in the aforesaid FIR since long time. 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. His wife-Sakshi did not support the case of the prosecution It is submitted that due to pandemic COVID-19 situation, the trial is taking long time.

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 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.

I have heard learned counsel for the parties.

The petitioner herein has been in custody since long time. The complainant is stated to have earlier compromised the matter. Statement of the material witnesses have been recorded. No useful purpose would be served by keeping the petitioner behind bar any longer. 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 bail on his execution of personal bond in the sum of Rupees One Lac with one surety of the like amount 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.

January 27, 2021

seema

Whether speaking/reasoned
Whether reportable

(JAISHREE THAKUR)
JUDGE

Yes/No
Yes/No