

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

225

CRM-M-7579-2021 (O&M)

Date of Decision: 08.09.2021

Pinder Kumar @ Pinda

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Monty Goyal, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Satpal Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.220 dated 07.07.2018 at Police Station Dakha, District Ludhiana under Sections 459, 460, 380 of Indian Penal Code, wherein offences under Sections 302, 411 and 120-B IPC were added later on.
2. The FIR was lodged at the instance of Ram Kali, wherein it is alleged that on 06.07.2018 she along with her daughter-in-law Sangeeta Devi and her two children went to sleep after having meals at about 10:00 p.m. Vinod Babban slept on a cot outside the room. It is alleged that at about 1:30/2:00 o'clock, they heard shrieks of Vinod Babban, who was sleeping outside. They woke up

upon hearing the noise, but did not move out as the door was bolted. When they went out, the complainant's daughter-in-law started taking care of Vinod Babban, who was lying on the cot and was having injuries on his head from where blood was oozing. In the meantime, three clean shaven persons were seen near the road and they came towards the complainant. Out of the said three, one of the person was named as Boria, whom the complainant knew as he had been coming to their house since the last two days and had been asking about her son Sudhir. One of the said three persons was carrying an iron rod while two were carrying sticks. They started giving beatings to the complainant and to her daughter-in-law and demanded money and gold. It is alleged that Boria gave a blow with iron rod on the head of complainant's daughter-in-law Sangeeta Devi and the other accused also gave blows with stick on the complainant's head. Boria is alleged to have taken away gold earrings weighing 2 grams from her daughter-in-law Sangeeta Devi and also her silver anklets and a gold chain from the purse lying on the fridge. Upon hearing alarm Shambhu Gujjar was attracted to the spot and who got them admitted in hospital, but Sangeeta Devi succumbed to her injuries.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been nominated as an accused on the basis of supplementary statement of PW-Sudhir Rajak. It has been submitted that there is no convincing evidence to connect the

petitioner with the alleged offence and that he has a clean record.

It has further been submitted that since co-accused namely Rajveer Singh @ Buntty and Sandeep Singh have already been granted bail, the petitioner also deserves the same concession on the grounds of parity.

4. Opposing the petition, learned State counsel has submitted that having regard to the heinous nature of crime, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 years, 1 month and 17 days. It has further been informed that as on date 2 PWs out of cited 17 PWs have been examined including the complainant Ram Kali and the eye-witness Sudhir Rajak. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. The petitioner has been behind bars for a substantial period of more than 3 years. 2 material PWs i.e. complainant Ram Kali and eye-witness Sudhir Rajak have already been examined. The petitioner is stated to be having a clean record and is not stated to be involved in any other case. The conclusion of trial is likely to consume some time as till date only 2 PWs out of cited 17 PWs have been examined. In these circumstances, further detention of the petitioner will not serve any useful. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail

on his furnishing bail bonds/surety bonds to the satisfaction of
learned trial Court/Chief Judicial Magistrate/Duty Magistrate
concerned.

08.09.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**