

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: November 23, 2021

1. CRM-M-16632-2021

Ravi Sahu

...Petitioner

Versus

State of Punjab

...Respondent

1. CRM-M-32263-2021

Vikas Pandey

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Ajay Kumar Sharma, Advocate,
for the petitioner in CRM-M-16632-2021.

Mr.Naveen Kaushik, Advocate,
for the petitioner in CRM-M-32263-2021.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioners have filed these separate petitions under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.114 dated 16.09.2019, under Sections 302, 460, 380, 411, 201 and 34 IPC, 1860, registered at Police Station, Balongi, District S.A.S.Nagar Mohali. Petitioner Ravi Sahu is in custody since his arrest on 28.02.2020, whereas petitioner Vikas Pandey is in custody since 27.02.2020.

The above FIR was registered on the statement of Rajiv Rahlan, wherein it was stated that on the night of 15.09.2019, one unknown person wearing red-yellow shirt had entered into the house of the complainant and

his wife got up and started shouting. Thereafter, they had run after the person, who had run into the darkness. When they came back they saw that their mother Kamlesh Rani had been strangled. The theft of Rs.2500/- lying in the medicine box and a Jio Mobile phone etc. had taken place by the said person, who had entered after removing the glass in the door fixed in the lobby and same had been unbolted by putting the hands through the grill. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioners have argued that the prosecution case is based upon circumstantial evidence and as per allegations, the son of the victim along with his family members was present at home when the alleged occurrence took place. According to the learned counsel, the prosecution has set up a very strange case as the allegations that one of the accused tried to remove the clothes of the complainant's wife while she was sleeping with her husband are not believable and when the family members woke up, the accused persons ran away and later on complainant found that his mother has died of strangulation. Learned counsel have argued that the statement of Shilpa Katyal wife of the complainant was recorded under Section 161 Cr.P.C., wherein she has narrated that the accused had suffered confession before police in her presence and her statement reveals about the disclosure made by the petitioners under Section 27 Evidence Act leading to the recovery of purse belonging to the victim. They have further argued that the other accused, namely, Rajinder Sharma and Amar Sharma have been released on regular bail and as the investigation of the case is complete, the petitioners be also released on bail.

On the other hand, the prayer is opposed by the learned State

counsel, assisted by ASI Dilbagh Singh, however, it is not disputed by him that the co-accused Rajinder Sharma and Amar Sharma have been released on bail. Learned State counsel does not dispute the stand of the learned counsel for the petitioners that the statement of Shilpa Katyal recorded under Section 161 Cr.P.C. narrates about the confession of the accused before the police and all the accused were identified by the said witness while they were in custody. He has further produced the custody certificates of the petitioners by way of affidavit of Kulwinder Singh, Deputy Superintendent, District Jail, Rupnagar, which indicate that the petitioners are not involved in any other case.

After hearing the learned counsel for the parties, considering the custodial period of the petitioners as well as the fact that the charges were framed on 01.02.2021, but out of total twenty seven prosecution witnesses, no one has been examined so far and that similarly situated co-accused of the petitioner have already been released on regular bail, this court is of the opinion that the further custody of the petitioners may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petitions are allowed and it is ordered that the petitioners be released on regular bail subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, S.A.S.Nagar (Mohali).

November 23, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No