

**111+216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-26729-2021 and
CRM-40654-2021 in/and
CRM-M-25529-2021
Date of Decision: 15.12.2021**

Rohit Kumar

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr.Amandeep Singh, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

CRM-26729-2021

Vide this application, the applicant (petitioner in the accompanying petition) seeks to place on record an affidavit shown to be executed by the complainant, i.e. Rama Rani (mother of the deceased) on 17.08.2021.

Notice in the application.

On the asking of the court, Mr. Rana Harjasdeep Singh, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the application be handed over to learned State counsel by counsel for the applicant-petitioner today itself.

The application is allowed subject to all just exceptions and the aforesaid affidavit is ordered to be taken on record as Annexure P-7 with the accompanying petition.

CRM-26729-2021

Vide this application, the applicant (petitioner in the accompanying petition) seeks to place on record the report under the provisions of Section 173 (2) of the Cr.P.C. and the statements stated to have been made by the parents of the deceased under the provisions of Section 161 of the Cr.P.C., as Annexures P-8 to P-10 with the accompanying petition.

Notice in the application.

On the asking of the court, Mr. Rana Harjasdeep Singh, D.A.G., Punjab, accepts notice on behalf of the respondent-State.

A copy of the application be handed over to learned State counsel by counsel for the applicant-petitioner today itself.

The application is allowed subject to all just exceptions and the aforesaid report and the statements are ordered to be taken on record as Annexures P-8 to P-10 with the accompanying petition.

CRM-M-25529-2021

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 141 dated 25.06.2020, registered at Police Station Division No. 5, Police Commissionerate Ludhiana, for the alleged commission of an offence punishable under the provisions of Section 346 of the IPC (with Section 346 of the IPC having been removed on 27.06.2020 and Section 306 of the IPC having been added).

Thereafter, as noticed in the order dated 01.09.2021 passed by this court, the '*challan*' was presented before the trial court alleging therein the

commission of an offence punishable under the provisions of Section 302 of the IPC.

[The petitioner initially having been accused of having committed an offence punishable under the provisions of Section 306 of the IPC, subsequently, upon the opinion of the doctors having been received that there were many injuries on the person of the deceased, an offence punishable under the provisions of Section 302 of the IPC was added in the FIR, with the offence punishable under the provisions of Section 306 deleted.]

Learned counsel for the petitioner submits that the petitioner having been in custody since 25.06.2020 (almost 01 year and 06 months), with the trial still to commence, he may be admitted to bail.

Upon query to learned State counsel, he submits that as per his instructions there is no other criminal case registered against the petitioner and a report under the provisions of Section 173 (8) of the Cr.P.C. has also been submitted, which is also stated in the reply of the ACP, Civil Lines, Ludhiana.

Simply keeping in view the period of custody and the stage of trial and the fact that there is no other criminal case registered against the petitioner, without making any comment on the actual merits of the case, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court.

December 15, 2021

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Whether speaking/reasoned
Whether Reportable

**(AMOL RATTAN SINGH)
JUDGE**

Yes
No.