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...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Janak Singh Bhinder, Advocate  
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

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**Through Video Conferencing****JASGURPREET SINGH PURI, J.(ORAL)**

The present petition has been filed under Section 439 of Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.97, dated 21.08.2019 under Sections 307, 328 IPC (Sections 302 and 120-B IPC added later on and Section 307 deleted later on) registered at P.S. Sadar Ahmedgarh, District Sangrur (now District Nabha).

Learned counsel for the petitioner has submitted that the present petition is the third successive bail application. The earlier two bail applications were dismissed as withdrawn on 03.03.2020 and 09.10.2020, respectively and since then there have been some changes in two circumstances, first the custody of the petitioner as on today is more than two years as the petitioner was taken in custody on 27.08.2019 and second, after the withdrawal of the earlier bail applications, charges have been framed on 02.02.2021 and trial of the case is going on and only one PW has been examined. He submitted that considering the long custody of the petitioner, he may be considered for the grant of concession of regular bail. He has further submitted that it is a case where the petitioner has not been

named in the FIR and it is only on the basis of hearsay evidence and suspicion that the petitioner has been arrested for killing his own father.

On the other hand, learned State counsel has stated so far as the custody of the petitioner is concerned, there is no dispute regarding the same but he has opposed the bail on the ground that the matter pertains to Section 302 IPC and the allegations against the petitioner are serious in nature.

I have heard the learned counsel for the parties.

Although after withdrawal of the earlier bail applications, charges have been framed and only one witness has been examined till date and the custody of the petitioner is more than two years however, the petitioner has not been named in the FIR and trial of the case may take long time to conclude. It is not the case of the State that in case the petitioner is released on bail then he may tamper with any evidence or may influence any witnesses or may flee from justice. Furthermore, as per the custody certificate which has been filed in the Court, there is no other case pending or registered against the petitioner and his custody is shown to be 2 years 1 month and 08 days.

Therefore, considering the totality of the present case, I deem it fit and proper to grant the concession of regular bail to the petitioner. Consequently, the present petition is allowed and the petitioner is admitted to bail on his furnishing requisite bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

It is made clear that the observations made hereinabove are purely for the disposal of the present petition only and it shall not construe anything on the merits of the case.

**(JASGURPREET SINGH PURI)**  
**JUDGE**

**October 11, 2021**

Manpreet

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |