

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

(Sr. No. 227)

**CRM-M No. 26388 of 2020
Date of decision : 22.09.2021**

Arun Rana

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Aayush Gupta, Advocate for the petitioner.

Mr. Jagmohan S. Ghumman, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0001 dated 02.01.2019 registered under Section 307 IPC (Sections 302, 201, 120-B IPC added later on) at Police Station Dugri, district Police Commissionerate Ludhiana.

The petitioner is being prosecuted for having murdered Dipesh Sethi as he was having illicit relations with co-accused Ramandeep Kaur – the deceased's wife.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case pending against him; the petitioner is in custody since 08.01.2019; the material prosecution witnesses have already been examined before the Trial Court and therefore, the petitioner is not in a position to influence them; the deceased, in his statement made under Section 164 Cr.P.C. did not implicate the petitioner; as per the medical report, at the time of admission

in the hospital, the deceased had disclosed to the doctor that he had himself fallen down in the flames and sustained burn injuries and that the petitioner's trial in which 25 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the petitioner's prayer for bail on the ground that the petitioner murdered his friend because he was having illicit relations with his wife.

The effect of the deceased's alleged statements made at the time of his admission in the hospital and before the Magistrate would be debated during the course of the petitioner's trial. However, the petitioner is in custody for the last over 2 years and 9 months; the material prosecution witnesses have already been examined before the Trial Court; the petitioner has no criminal antecedents and that the petitioner's trial in which 25 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

22.09.2021*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No