

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-33813 of 2021
Date of Decision : 26.08.2021

Bawa Mattu

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Piyush Sharma, Advocate for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

Custody certificate filed by the learned State counsel in the Court today is taken on record.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.0248 dated 08.11.2018 registered under Sections 302, 201 & 34 of IPC at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner argues that an FIR was registered against the unknown persons when an unclaimed body was recovered. The said body was later on identified to be of one Aniket Bhandari and on the basis of the statement given by the father of the deceased namely, Subhash Bhandari, the petitioner was roped in the present FIR. Learned counsel for the petitioner submits that the material witness i.e. complainant, who is a father of the deceased, has already been examined in

January, 2020 and according to the learned counsel for the petitioner, the complainant has not supported the prosecution version. Learned counsel for the petitioner further submits that none of the private witnesses have supported the prosecution version and the petitioner is already behind the bars since 14.11.2018 and keeping in view the facts and circumstances of the present case, no useful purpose will be served by keeping the petitioner behind the bars.

Learned State counsel assisted by ASI Joginder Singh does not dispute the fact that the FIR was registered against the unknown persons on the basis of an unclaimed body being found and the petitioner was roped in the present FIR on the basis of the statement of the father of the deceased namely, Subhash Bhandari and the said witness has not supported the prosecution version. Learned State counsel further submits that the other witnesses are yet to be examined and the petitioner cannot claim his innocence merely on the basis of the statement of the one of the witnesses.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Factual assertions, which have been noticed hereinbefore are not disputed by the respective learned counsel appearing on behalf of the parties. Though, the finding whether the petitioner is guilty or innocent will be given by the trial Court after recording of the complete evidence but, as of now, the question before this Court is whether keeping in view the facts and circumstances noticed hereinbefore, the petitioner should be kept behind the bars any further or not.

As the petitioner is already behind the bars from approximately three years, no useful purpose will be served by keeping the petitioner

behind the bars, especially, when material witnesses have already been examined and trial is likely to take some time before the same is concluded.

Learned counsel for the petitioner undertakes that the petitioner will maintain good conduct while on bail and will not obstruct the trial in any manner or influence the witnesses, whose statement is yet to be recorded, the petitioner has made out a case for the grant of regular bail.

In case of default of the above undertaking or in case, any complaint is received alongwith some cogent evidence that the petitioner is interfering in the trial or intimidating the witnesses, the State will be at liberty to approach this Court for re-consideration of the present order granting bail to the petitioner.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

August 26, 2021

aarti

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No