

**101+201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1) CRM-1189-2021 in/and
CRM-M-29860-2020 and
Date of decision: 19.01.2021

RINKU @ KALIAYA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

2)

CRM-M-29646-2020

HARPREET SINGH @ JEONA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok Paul Batra, Advocate
for the applicant-petitioner in CRM-M-29860-2020.

Mr. K.B.S. Mann, Advocate
for the petitioner in CRM-M-29646-2020.

Mr. Amit Mehta, Sr. DAG, Punjab in both cases.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI,J. (ORAL)

CRM-1189-2021

For the reasons mentioned in the application, the same is allowed.

Certified copies of the statements are taken on record.

CRM-M-29860-2020 and
CRM-M-29646-2020

The learned State counsel has placed on record the reply by way of
affidavit of Avtar Singh, PPS, Deputy Supdt. of Police (Rural) Abohar, District

placed on record by the learned State counsel.

Petitioners are seeking regular bail in the case bearing FIR No. 71 dated 28.10.2018 under Sections 302 and 450 of IPC, registered at Police Station Sadar Abohar, District Fazilka.

Briefly, the case has been registered on the basis of the statement of Balkaran Singh alleging that he is running a marble factory near G.T. Road, Abohar in the name and style of A-One Marble Factory for the last 5-6 years. Maharaj Bali @ Nanke was working as Chowkidar in the factory. On 28.10.2018 at about 8.30 PM Bhagwan Dass, the labourer employed by the complainant telephonically informed that the dead body of Maharaj Bali, Chowkidar was lying in the factory with grievous injury on the head.

It has been contended by learned counsel for the petitioners that the complainant alongwith Ghansham, PW2 who was allegedly accompanying the deceased at a Dhaba have not supported the prosecution version. Furthermore, Kartar Singh, PW6 had not specifically seen the deceased in the exclusive company of the accused. The foot molds lifted from the spot do not match with any of the petitioners, they are in custody since 16.02.2019 and no other case has been registered against any of the petitioners.

On the contrary, it has been argued by the learned State counsel that the mobile phones of the petitioners indicate their presence at the spot and furthermore, recovery of weapons and cash amount of Rs.5000/-has been effected from them.

Be that as it may, it is a case of blind murder and the case of prosecution is based upon circumstantial evidence. The complainant and other material witnesses have not supported the prosecution version, the foot molds lifted from the spot do not match with that of the petitioners, they are in custody for the last more than 1 year and 10 months and only 6 out of 26 witnesses have

been examined till date. The conclusion of the trial is likely to take sometime and no fruitful purpose will be served by detaining the petitioners in further custody.

In these set of circumstances, the ends of justice will meet if the petitioners are extended the concession of bail.

Without expressing any opinion on the merits of the case, the instant petitions are allowed. The petitioners are ordered to be released on bail on their furnishing requisite bail bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Both the petitions are allowed accordingly.

19.01.2021
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(VIVEK PURI)
JUDGE

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