

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

Criminal Misc.-M No.29599 of 2020 (O&M)
Date of Decision: July 05, 2021

Amar Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Naveen Kaushik, Advocate,
for the petitioner.

Mr. Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.114 dated 16.09.2019, under Sections 302, 460, 380, 411, 201 and 34 IPC, 1860, registered at Police Station, Balongi, District S.A.S.Nagar Mohali. The petitioner is in custody since his arrest on 23.02.2020.

The above FIR was registered on the statement of Rajiv Rahlan, wherein it was stated that on the night of 15.09.2019, one unknown person wearing red-yellow shirt had entered into the house of the complainant and his wife got up and started shouting. Thereafter, they had run after the person, who had run into the darkness. When they came back they saw that their mother Kamlesh Rani had been strangled. The theft of Rs.2500/- lying in the medicine box and a Jio Mobile phone etc. had taken place by

the said person, who had entered after removing the glass in the door fixed in the lobby and same had been unbolted by putting the hands through the grill. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that as per prosecution, the Mobile phone stolen from the house of the victim was recovered from the petitioner, and the SIM card used in the same was in the name of petitioner's father Rajinder Sharma (co-accused). He has invited the attention of the court to the order dated 26.08.2020 and submitted that the co-accused Rajinder Sharma has been released on regular bail. According to him, the petitioner has no role in the alleged offence of homicide as according to the prosecution, the same was committed by co-accused Ravi and Vikas. He submits that considering the custody of the petitioner, he be released on regular bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by ASI Dilbagh Singh by referring to the reply by way of affidavit of Rupinderdeep Kaur Sohi, PPS, Deputy Superintendent of Police, Sub Division, Kharar-I, District S.A.S.Nagar. However, it is not disputed by him that the co-accused Rajinder Sharma (father of the petitioner) has been released on bail. It is pointed out that the charges in this case were framed on 01.02.2021, but the prosecution is yet to examine its witnesses.

After hearing the learned counsel for the parties and considering the fact that co-accused of the petitioner has already been released on regular bail, this Court is of the opinion that the further custody of the petitioner may not be necessary for any useful purpose, who is presently confined in judicial custody after his arrest on 23.02.2020.

Further, the prosecution is yet to examine its witnesses and it may take

considerable time to conclude the trial.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, S.A.S.Nagar (Mohali).

July 05, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No