

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(108 + 207)

CRM-M-38965-2021 (O&M)
Date of decision: - 02.11.2021

Ram Chander @ Kalu

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vishneet Singh Kathpal, Advocate
for the applicant-petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

CRM-33719-2021

Present application has been filed for placing on record
accompanied documents as Annexures P-7 to P-9.

Keeping in view the averments made in the application, the
same is allowed. The accompanied documents (Annexures P-7 to P-9) are
taken on record, subject to all just exceptions.

CRM-M-38965-2021

Present is the fifth petition filed under Section 439 Cr.P.C.
for the grant of regular bail to the petitioner in respect of FIR No.88 dated
19.10.2018, registered under Section 302 IPC and Section 3(2)(v) of the
Scheduled Castes and Scheduled Tribes Act, at Police Station Bahavwala,

District Fazilka.

Learned counsel for the petitioner argues that in the present case the allegations, which have been alleged against the accused, are on the basis of circumstances and further no evidence has come on record so far to connect the petitioner with the alleged allegations. Learned counsel for the petitioner further argues that all the material witnesses have already been examined and they have not supported the prosecution version and the petitioner, who is behind the bars for the last more than three years, may kindly be extended the benefit of regular bail.

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

Learned State counsel submits that the allegations alleged against the petitioner are serious in nature, though, the material witnesses examined, have not supported the prosecution version, but still, there are other witnesses of the prosecution, who are yet to be examined.

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

On the last date of hearing, the following order has been passed by this Court: -

“Present is the fifth petition filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.88 dated 19.10.2018, registered under Section 302 IPC and Section 3(2) of the of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Bahawala, District Fazilka.

Learned counsel for the petitioner submits that the complainant as well as private witnesses have already been examined, who have not supported the prosecution version.

Before any consideration is given to the prayer of the petitioner, let the respondent-State verify the above-said facts and file an affidavit as to whether all the material witnesses have already been examined or not.

Adjourned to 02.11.2021.”

In pursuance to the said order, the respondent-State has filed the status report by way of affidavit today in the Court, in which, in paragraph No.4(iv) the following has been stated: -

“All the four material private witnesses have been examined but they have not supported the case of the prosecution.

Though, the guilt or innocence of the petitioner will be proved on the basis of the complete prosecution evidence, which is yet to be led, but once the material witnesses have already been examined and they have not supported the prosecution version, no useful purpose will be served by keeping him behind the bars any further during the trial especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is extended the concession of regular bail, he will maintain good conduct on bail and will not influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, if not required to be detained in any other case, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence the trial or the witnesses in any manner and in case of

default of the above undertaking, the State/complainant will be at liberty to approach this Court for passing appropriate orders.

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.

November 02, 2021
naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No