

215.

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

CRM-M-42329-2021

Date of Decision: 13.10.2021

(Heard through VC)

VARINDER ALIAS BINDU

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jasmeet Singh Ghumman, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR.J (Oral)

This is second petition that has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, pending trial, in case FIR No.178, dated 09.11.2019, registered under Section 302 of IPC at Police Station Nakodar, District Jalandhar. The earlier petition i.e. CRM-M-33032-2020 was dismissed as withdrawn on 08.04.2021.

Learned counsel for the petitioner would contend that the allegations that the petitioner herein was instrumental in causing death of the deceased would not be borne out from the reflection of the list of injuries. Injury No.1, which is supposed to have caused death is none else but a lacerated wound 5 cm x 05 cm bone deep and the rest would be bruises, which itself would not have caused death. Counsel would rely upon a statement given by the doctor that the injuries can be classified as incised wound, punctured wound, lacerated, contusions, bruises and abraded and that injury No.1 did not reflect any fracture of the chin and that there was no

fracture of the chin, only blood was found in cranial cavity. Counsel would contend that blood in the cranial cavity could not have been a result of any injury caused by the petitioner. It is also argued that there was no intention to kill nor was any such evidence available on the record. Since no motive has been attributed to the petitioner herein, counsel would pray for grant of regular bail by contending that the petitioner is in custody since 09.11.2019 which is almost 2 years and the trial is likely to take some time to conclude.

On the other hand, learned counsel appearing on behalf of the respondent-State opposes the grant of regular bail by contending that the petitioner herein has been charged under the offence of Section 302 IPC and, therefore, would not be entitled to regular bail.

I have heard learned counsel for the parties and keeping in view the length of custody and the fact that material witnesses have been examined and it would be debatable as to whether the petitioner herein had any motive to kill the deceased and whether any of the injuries inflicted upon the body of the deceased would be a cause of his death are debatable, deems it appropriate to release the petitioner on regular bail.

Accordingly, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression of opinion on merits of the case.

13.10.2021

sanjeev

Whether speaking/reasoned: Yes/No

Whether Reportable:

Yes/No

(JAISHREE THAKUR)**JUDGE**