

**CRM-3587-2022 in/and
CRM-M-395-2022
Date of Decision: 14.03.2022**

Rohit and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioners.

Mr. M.S. Nagra, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard via video conferencing.

CRM-3587-2022

By this application, the applicant-petitioners seek amendment in the head note and prayer clause of the petition by way of adding an offence punishable under the provisions of Section 201 of the IPC.

Notice in the application.

On the asking of the court, Mr. M.S. Nagra, A.A.G., Punjab, appears and accepts notice on behalf of the respondent-State.

A copy of the application be emailed to learned State counsel by counsel for the applicants-petitioners.

The application is allowed subject to all just exceptions and the offence punishable under the provisions of Section 201 of the IPC is treated to have been added in the head note and prayer clause of the petition.

CRM-M-395-2022

This petition has been filed under the provisions of Section 439 of the Cr.P.C., for grant of 'regular bail' to the petitioner in case FIR No. 57, dated 31.05.2021, registered at Police Station Kalanaur, District Gurdaspur, for the alleged commission of offences punishable under the provisions of Sections 304/34 of the IPC (with Section 201 of the IPC having been added later).

Learned counsel for the petitioners points to the order passed by this court in CRM-Ms-51386 and 51530 of 2021, on 17.12.2021, which reads as follows:-

“Case heard by video conferencing.

By these petitions, the petitioners seek the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.57, dated 31.05.2021, having been registered at Police Station Kalanaur, District Gurdaspur, alleging therein the commission of offences punishable under the provisions of Sections 304/201 of the IPC.

Learned counsel for the petitioners relies upon the order passed by this court in the case of two of his co-accused on 14.12.2021 (in CRM-M43109-2021 and CRM-M-42787-2021), whereby they had been admitted to bail after a similar period of custody, on the ground that with the report under Section 173(2) Cr.P.C. having already been submitted to the trial court and looking at the nature of the offences even as per the affidavit of the DSP, there would be reason to keep them in custody any longer. In view of the above, with the role of the petitioners not seeming to be any different from the said co-accused (Jatinder Pal alias Ajay Kumar and

Akash alias Akash Masih), without making any comment on the actual merits of the case, the petitions are allowed and the petitioners are ordered to be admitted to bail, upon them furnishing adequate bail and surety bonds to the satisfaction of the trial court.

(A photocopy of this order be placed on the file of the connected case)."

He submits that death of the brother of the complainant having occurred (as per the allegation), when he and the petitioner and the others had gone to take a bath at a canal and all other co-accused having been admitted to bail, the petitioner may be granted the same concession, he having been in custody for the past 9½ months with the trial no where near conclusion.

As regards the stage of trial and the facts as narrated hereinabove, learned State counsel could not refute the same even in terms of the FIR.

Consequently, without making any comment on the actual merits of the case, petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Duty Magistrate/Chief Judicial Magistrate concerned.

March 14, 2022
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.