

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

CRM-M-1092-2022

Date of Decision:-**26.07.2022**

LOVLESH KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Vaibhav Sehgal, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

The petitioner has approached this Court seeking grant of regular bail in a case having FIR No.186 dated 21.10.2020 registered under Sections 302, 34 IPC at Police Station Focal Point, District Ludhiana.

The counsel for the petitioner submits that the petitioner was having no motive to kill Ginni Sharma and that the petitioner has been falsely implicated in this case at the instance of complainant-Manoj Sharma who is real brother of the deceased. The counsel for the petitioner further contends that the petitioner is in custody for the last more than 1 year and 8 months and is having no criminal history. The counsel further submits that the entire case is based on circumstantial evidence and complainant-Manoj

Sharma, his father Subhash Sharma, brother Sona Sharma have already been examined during the trial. The counsel for the petitioner further submits that prosecution has also examined Mohd. Shehjad before whom the petitioner and co-accused suffered alleged extra-judicial confession regarding their involvement in the murder of Ginni Sharma. The counsel for the petitioner further contends that even if testimony of Mohd. Shehjad is taken into consideration, it establishes illicit relations of Preeti wife of Ginni Sharma with co-accused Nand Ram. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude.

The present petition is resisted by the State counsel, who submits that the petitioner is facing serious charges with regard to murder of Ginni Sharma and that the trial is in progress. The State counsel has not refuted the fact regarding examination of the aforesaid witnesses during the trial. The State counsel also has not disputed the custody period of the petitioner.

I have considered the submissions made by counsel for the petitioner as well as by State counsel.

The entire case is based on circumstantial evidence and as per the counsel for the petitioner no incriminating article was recovered from the possession of the petitioner. The credibility of the testimony of Mohd. Shehjad and other witnesses is to be examined by the trial Court at the relevant time. Also in this case there is no apprehension that if released on bail the petitioner is going to pressurize and won over the complainant and other members of his family and the person before whom the petitioner and

other accused suffered extra-judicial confession, as all of them have already deposed during the trial. It will take time for the trial to terminate.

Keeping in view facts and circumstances mentioned above, no fruitful purpose is going to be served even if the petitioner is kept in judicial custody for indefinite period. Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned.

26.07.2022
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No