

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

**CRM-M-1975-2021**

**Date of Decision: 16.8.2022**

Satish Kumar

**....Petitioner**

**VERSUS**

State of Punjab

**....Respondent**

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present: Mr. Aditya Sanghi, Advocate,  
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

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**KARAMJIT SINGH, J.**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case DDR No.25 dated 25.7.2020 and in FIR No.126 dated 27.8.2020 registered for the offences punishable under Sections 302, 34 IPC at Police Station Sadar Abohar, District Fazilka.

Counsel for the petitioner submits that initially, DDR No.25 dated 25.7.2020 was registered on the basis of the statement of complainant Gopi Chand, as per which, death of his son Sanju Kumar was the result of natural incident; that after more than one month of the same, FIR in this case was got registered by the complainant against the present petitioner and Sonu. He further submits that as per medical record, deceased Sanju Kumar

died due to drowning. He further contends that the entire case is based on circumstantial evidence and all the material witnesses have been examined. He further submits that the petitioner is languishing behind the bars for the last more than one year and 11 months and it will take time for the trial to conclude and as such, prayer is made for grant of bail to the petitioner.

Present petition is opposed by the State counsel who submits that the petitioner is facing trial under Section 302 IPC read with Section 34 IPC for committing murder of Sanju Kumar whose dead body was later on recovered. State counsel on instructions from ASI Mohan Lal has not refuted the fact that the petitioner is incarcerated for the last more than one year and 11 months and the fact that the material witnesses including the complainant, his wife Suman and Dhan Raj and Hans Raj who had lastly seen the deceased in the company of the petitioner, have already been examined.

I have considered the submissions made by the counsel for the parties.

Report has been received from the trial Court, as per which, 14 witnesses have already been examined by the prosecution which also include material witnesses. Admittedly, the petitioner is in custody for the last about 2 years and is having no criminal history. The entire case is based on circumstantial evidence and it will take considerable time for the trial to terminate. In the given circumstances, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the

satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

( KARAMJIT SINGH )

JUDGE

**August 16, 2022**

Paritosh Kumar

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No