

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-3618-2021
Date of Decision :02.02.2022

Beeru

...Petitioner

Versus

State of Punjab

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Atul Goyal, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.25 dated 11.03.2020 registered under Sections 302, 148 & 149 of the IPC at Police Station Daba, District Police Commissionerate Ludhiana.

Custody certificate filed by the learned State counsel is taken on record.

Learned counsel for the petitioner argues that the petitioner was wrongly involved in the present FIR and the allegations alleged against the petitioner are totally false, which fact becomes clear from the testimonies of the witnesses, who have been examined during the trial. Learned counsel for the petitioner submits that as the complainant as well as two other witnesses

have not supported the prosecution version with regard to the allegations alleged against the petitioner, no useful purpose will be served by keeping the petitioner behind the bars especially, when the other co-accused of the petitioner namely, Jatinder Kumar and Ram Mohan have already been granted the benefit of regular bail by a Coordinate Bench of this Court vide orders dated 27.10.2020 and 18.11.2020 passed in CRM-M-24328-2020 and CRM-M-36740-2020 respectively.

Learned State counsel though, concedes the factum that complainant as well as two other witnesses have not supported the prosecution version with regard to the allegations alleged against the petitioner but, submits that guilt or innocence of the petitioner will be ascertained only on the basis of the complete evidence, which will come on record during the course of trial. Learned State counsel further concedes that the co-accused of the petitioner namely, Jatinder Kumar and Ram Mohan have already been granted the benefit of regular bail by a Coordinate Bench of this Court vide orders dated 27.10.2020 and 18.11.2020 passed in CRM-M-24328-2020 and CRM-M-36740-2020 respectively.

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

Keeping in view the facts and circumstances of the present case recorded hereinbefore, especially, that the complainant as well as two other material witnesses have already been examined and no evidence has come on record so far so as to connect the petitioner with the allegations alleged against him coupled with the fact that the co-accused of the petitioner namely, Jatinder Kumar and Ram Mohan have already been granted the benefit of regular bail by a Coordinate Bench of this Court vide orders dated

27.10.2020 and 18.11.2020 passed in CRM-M-24328-2020 and CRM-M-36740-2020 respectively, the petitioner has made out a case for the grant of regular bail, especially, when learned counsel for the petitioner has undertaken before this Court that the petitioner will not obstruct the trial or influence the witnesses, whose statements are yet to be recorded in any manner. In case of default of the above undertaking, the State will be at liberty to approach this Court for passing appropriate orders.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

It is made clear that in the present petition, this Court is not deciding the guilt or innocence of the petitioner, which will be decided by the competent Court of law on the basis of the complete evidence, which will come on record during the course of trial and anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

February 02, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No