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

**CRM-M-4784-2020 (O&M)
Decided on: February 02, 2022**

Kundan Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Subhash Kumar, Advocate
for the petitioner.

Mr. A.K. Kaundal, DAG, Punjab.

Through video conference

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed on behalf of the petitioner under Section 439 of the Cr.P.C., seeking concession of regular bail in FIR No.131 dated 17.08.2018, under Sections 302 & 34 of IPC, registered at Police Station Maqsudan, District Jalandhar, Punjab.

Learned counsel for the petitioner has submitted that the petitioner is in custody, since 21.08.2018, which is more than 4 years and after framing of charges on 23.05.2019, only 4 witnesses have been examined including the complainant. He has further submitted that the petitioner is not involved in any other case and therefore, considering the long custody of the petitioner he is to be considered for the grant of regular bail.

On the other hand, Mr. A.K. Kaundal, learned DAG, Punjab, has opposed the grant of regular bail to the petitioner on the ground that the

petitioner is a resident of Bihar and in the present case specific role has been

attributed to the petitioner whereby he had killed one Gaurav Kumar. He also submitted that although in the FIR name of the accused was not mentioned but thereafter period of two days, an eyewitness Jitender Kumar, who was also sleeping along with the deceased Gaurav Kumar had made a supplementary statement to the Police that the present petitioner had killed the aforesaid Gaurav Kumar and thereafter when the accused was arrested he had made a confessional statement. He further referred to the Status Report filed by the State to contend that the petitioner had killed Gaurav Kumar along with his father namely Bhucho Mandal with sword and hockey stick after catching hold of Gaurav Kumar and he was killed by the petitioner with sword. Thereafter, the sword, hockey stick and mobile phone's parts were also recovered from the petitioner at his instance. The father of the petitioner is yet to be arrested and P.O. Proceedings against him has been initiated by the concerned Court. Learned State counsel further submitted that out of 17 prosecution witnesses, 4 witnesses have already been examined including the complainant and eyewitness Jatinder Kumar, who have fully supported the prosecution version. Learned State counsel also submitted that there is every possibility that in case the petitioner is released on bail then he may abscond from the justice specially in view of the fact that he belongs to the State of Bihar and was only a migrant labourer.

I have heard the learned counsel for the parties.

In view of the aforesaid factual position, whereby the complainant as well as the eyewitness, namely, Jatinder Kumar, who was sleeping along with deceased Gaurav Kumar had supported the prosecution version, no ground is made out for concession of regular bail to the

petitioner. However, in view of the long custody of the petitioner, the trial Court is directed to expedite the trial and decide the case as expeditiously as possible.

Dismissed.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

February 02, 2022
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No