

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-7490-2022

Date of Decision: 2.8.2022

Nirmala and another

....Petitioners

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manu Loona, Advocate
for the petitioners.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioners in case FIR No.25 dated 23.2.2021 registered for the offences punishable under Sections 458, 302, 323, 148, 149 IPC at Police Station Bahawala, District Fazilka.

Counsel for the petitioners submits that the petitioners are falsely implicated in this case and are behind bars for the last about one year and five months and they are not having any criminal history. He further submits that no injury has been attributed to be caused by the petitioners to the deceased who was an old man. He further contends that as per allegations, co-accused Arjan and Karan inflicted injuries to the deceased but both of them have already been granted bail.

Counsel for the petitioner further contends that the complainant and other material witnesses have been examined but it will take time for trial to terminate.

State counsel submits that the petitioners are facing trial with regard to murder of Pirthi Raj. However, she has not refuted the fact that the petitioners are in custody for the last about one year and five months and that the material witnesses have been examined.

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

As per status report submitted by the Court concerned, 3 PWs have already been examined including complainant-Promila Devi and PW2 Vinod both of whom witnessed the occurrence. Copies of the testimony of the complainant and Vinod which are furnished by the counsel for the petitioners are taken on record.

From the perusal of the record, it appears that the petitioners did not cause any injury to deceased Pirthi Raj. As per allegations appearing on record, co-accused Arjan and Karan caused injuries to Pirthi Raj but both the said co-accused have been granted concession of bail as has been admitted by the State counsel, they being juvenile. Trial is under progress and it will take time for conclusion of trial. Further now there is no apprehension that if released on bail, the petitioners are going to influence the material witnesses as they have already been examined. Thus, no fruitful purpose is going to be served by keeping the petitioners in custody for any further period.

In view of the above, without commenting on the merits of the

released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 2, 2022

Paritosh Kumar

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