

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.206

CRM-M-17496-2020

Date of decision: 27.01.2022

Raj Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jagmohan Bansal, Senior Advocate with
Mr. Aman Garg, Advocate and
Mr. Kapish Chawla, Advocate
for the petitioner.

Mr. Rehat Bir Mann, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.91 dated 25.07.2016, registered under Sections 302, 307, 447, 506, 511, 120-B, 148, 149 IPC and Section 25/27 of Arms Act at Police Station Dehlon, District Ludhiana.

Briefly stated, the petitioner and his co-accused Kuldeep Singh Bhullar are being prosecuted for having caused the murder of Dharam Pal as also for giving a gun shot injury to Sanjay Kumar.

Learned Senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case; the petitioner has undergone incarceration for 04 years 11 months and 15 days; 15 prosecution witnesses still remain to be examined in the petitioner's trial; all material prosecution witnesses including the complainant and the alleged eye-witnesses already stand examined before the Trial Court; the petitioner has not misused the concession of interim bail granted to him by this Court; all co-accused including Kuldeep Singh Bhullar are on regular bail and that the petitioner's trial will take a long time to conclude.

Learned State counsel admits to the period of incarceration undergone by the petitioner and that 15 prosecution witnesses still remain to be examined but opposes the grant of bail to the petitioner on the ground that he is the main accused in a murder case and has also caused a gun shot injury to another person.

The petitioner has undergone incarceration for 04 years, 11 months and 15 days; 15 prosecution witnesses still remain to be examined in his trial; all material prosecution witnesses including the complainant and the alleged eye-witnesses have already been examined and that while he was on interim bail he has not misused such concession.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Ludhiana, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

January 27, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No