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

**CRM-M-22154-2022
Date of Decision: 13.07.2022**

Rishav Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Harpreet Kaur Arora, Advocate,
for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

This is the second petition filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.83 dated 04.05.2018, under Sections 302 & 34 of the IPC, registered at Police Station Jodhan, District Ludhiana.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 06.05.2018 which is more than 4 years and 7 out of 18 cited witnesses have already been examined. She further submitted that it is a case where there is no direct evidence available and the entire case is based upon circumstantial evidence and last seen theory. She also submitted that the only role as alleged against the petitioner was that he was present in the house of Gurpreet Kaur in whose house the dead body was found and the aforesaid Gurpreet Kaur has already been granted bail by

this Court in CRM-M-17880-2022 vide order dated 06.05.2022 (Annexure P-2). She further submitted that in view of the aforesaid factual position and considering the long custody of the petitioner, he may be considered for the grant of bail. She also submitted that the petitioner has got clean antecedents and is not involved in any other case.

On the other hand, Mr. R.S. Thind, learned DAG, Punjab has stated that it is correct that the petitioner is in custody since 06.05.2018 and 7 out of 18 witnesses have already been examined. He has also not disputed that the petitioner is not involved in any other case and that the other co-accused, namely, Gurpreet Kaur has already been granted bail by this Court vide Annexure P-2.

I have heard the learned counsel for the parties.

The present case is based upon circumstantial evidence, since as per the prosecution, no direct evidence was available. The other co-accused, namely, Gurpreet Kaur has already been granted bail by this Court vide Annexure P-2. The petitioner has already faced incarceration for more than 4 years and he has got clean antecedents and is not involved in any other case as per the learned counsel for the parties. Apart from the same, it is not the case of State nor it has been argued by the learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness, therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the

satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

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

13.07.2022

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |