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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24533-2021 (O&M)

Date of decision: 25.03.2022

SURAJ @ KALI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Monita Mehta, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

(Through Video Conferencing)

JAISHREE THAKUR, J. (Oral)

CRM-9197-2022

Prayer in this application is for placing on record Annexure P-9.

For the reasons mentioned in the application, the same is allowed.

Annexure P-9 is taken on record, subject to all just exceptions.

CRM-M-24533-2021

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 02 dated 13.01.2020, under Sections 302 and 120-B of the IPC, registered at Police Station Hajipur, District Hoshiarpur.

Learned counsel for the petitioner herein would contend that as per prosecution story one Om Prakash @ Moni Baba was alleged to have been beaten on 12.01.2020, who died on 13.01.2020 during treatment. Initially, the present FIR was got registered against unknown persons. On the basis of

certain call details, one Rahul, a shopkeeper, was apprehended and on 25.01.2020, statement of said Rahul, was recorded, in which he confessed that the petitioner herein along with the other co-accused, murdered Moni Baba, by hitting him with a rod in cremation ground at Hajipur and had also snatched Rs.3,000/- along with mobile phone. It is contended that finger prints from the spectacles and one broken glass found lying in the room of the deceased, were allegedly lifted by the FSL team, as would decipher from Annexure P-5, but report of the Examiner has not been annexed with the challan. It is also contended that Rahul has already been examined before the trial Court. The petitioner has been in custody since 27.01.2020 and the similarly situated co-accused, namely Lakhwinder @ Binder and Ajay Lahoria @ Bhundi have already been granted the concession of regular bail by a Coordinate Bench on 17.03.2022 passed in CRM-M-38842-2021 and CRM-M-39400-2021 respectively. Prayer for the petitioner to be granted such concession, on the ground of parity, has thus been made.

Per contra, learned State counsel would oppose grant of bail to the petitioner by contending that the allegations against the petitioner are serious in nature. It is contended that Rahul, in his statement recorded under Section 161 Cr.P.C., has specifically named the petitioner along with the other co-accused. He further submits that as per the FSL report dated 25.01.2022, reddish brown colored stains were found on all the items sent for the chemical examination and that there are total 22 prosecution witnesses, out of which 5 have already been examined.

I have heard counsel for the parties and have also perused case file.

The matter has already been investigated and the statement of the material witnesses has been recorded. The trial is likely to take a long time to conclude as most of the prosecution witnesses are yet to be examined. Similarly situated co-accused have been granted concession of bail. No useful purpose would be served in keeping the petitioner behind bars any longer.

Accordingly, without commenting the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail and surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Anything observed hereinbefore shall not be construed as an observation on merits of the case.

25.03.2022

Chetan Thakur

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No