

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

CRM-M-29387-2021

Date of decision: 05.12.2022

Vishal Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate,
for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.212 dated 06.12.2017, registered at Police Station Basti Bawa Khel, Jalandhar, under Sections 302, 201 and 120-B IPC.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, but was indicted on the statement of Babli-mother of the deceased, recorded subsequently on 07.12.2017; that the burnt dead body of Kavita was found on 06.12.2017; that the petitioner has been in custody since 11.12.2017; that challan has been presented and that out of 25 prosecution witnesses, only 06 witnesses, including the complainant, have been examined.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that as per the statement of Babli-mother of the deceased, she saw the petitioner taking Kavita on motor-cycle on 03.12.2017 and 05.12.2017 also. The petitioner is also involved in FIR No.370 dated 16.10.2017, under Sections 307, 452, 324, 363, 511, 148, 149 and 120-B IPC, registered at Police Station Phillaur.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. Though there are allegations against the petitioner that he was last seen with the deceased whose burnt dead body had been found, yet the fact remains that he has been in custody since 11.12.2017.

Challan has been presented. Out of 25 prosecution witnesses, only 06 witnesses have been examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

05.12.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No