

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

210

CRM-M-28185-2021

Date of Decision : **March 11, 2022**

SUNNY

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Through Video Conferencing

Present : Mr. Suneet Pal Singh Aulakh, Advocate
for the petitioner.

Mr. K.S.Sidhu, DAG, Punjab.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.87 dated 21.8.2019 under Section 302 IPC (Section 34 IPC deleted while filing the challan) registered at Police Station Jalandhar Cantt. Distt., Jalandhar, Punjab.

The learned counsel for the petitioner has submitted that the petitioner is in custody from 21.8.2019 which is about 2½ years and in the present case after the completion of the investigation, challan was presented and the matter is now fixed for prosecution evidence and out of 18 witnesses, 7 witnesses have been examined including the complainant. He submitted that as per the allegations contained in the FIR, the dead body of the uncle of the complainant was found and no name has been mentioned in the FIR and it was only thereafter the name of the petitioner

was nominated purely on the ground that the petitioner had a telephone conversation with the deceased on that very date. He further submitted that even as per the contents of the FIR, the deceased was living alone and used to lend money on interest to other persons and the petitioner has been nominated on false premise that since he had a telephone conversation with the deceased on the same day and that the presumption would arise that the petitioner has killed the deceased. He submitted that be that as it may, the long custody of the petitioner would be a good ground for grant of regular bail to the petitioner particularly in view of the fact that the petitioner is not a habitual offender and is not involved in any other case and has clean antecedents and since the trial of the case would take long time, he may be considered for the grant of regular bail.

On the other hand, the learned State counsel has submitted that on the knife which was recovered on the basis of the disclosure statement made by the petitioner, human blood was found as per the FSL report and, therefore, the petitioner is not entitled for the grant of regular bail.

Replying to the argument raised by the learned State counsel, it has been submitted by the learned counsel for the petitioner that the knife was never discovered on the basis of the disclosure statement of the petitioner but it was lying in the fields and the case has been planted upon the petitioner.

I have heard the learned counsels for the parties.

The petitioner is in custody from 21.8.2019 which is about 2½ years. The complainant has since been examined. The petitioner is

not involved in any other case as per the learned counsel for the parties. Since the trial of the case would take long time, this Court would certainly consider the custody of the petitioner which is more than 2½ years, for the purpose of grant of bail to the petitioner.

The complainant has already been examined and the petitioner is in custody from 2½ years. Furthermore, it is not the case of the State that in case the petitioner is released on bail then he may influence any witness or may tamper with any evidence or may flee from justice especially in view of the fact that the petitioner is not involved in any other case.

Therefore, considering the totality of facts and circumstances of the present case, this Court deems it fit and proper to grant regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

March 11, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No