

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

CRM-M-28795-2022 (O&M)
DECIDED ON: 15th JULY, 2022

PAWAN KUMAR @ BABLA

...PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Poonam Singh Thakur, Advocate for
Ms. Jasneet Mehra, Advocate
for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

SANDEEP MOUDGIL, J. (ORAL)

The instant petition has been preferred under Section 439 Cr.P.C. to seek regular bail in FIR No. 265, dated 7th June, 2020, under Sections 302, 201 and 34 IPC registered at Police Station Islamabad, District Amritsar.

Custody certificate of the petitioner has been produced by the State counsel, which is taken on record, which depicts the custody period of 2 years 1 month and 2 days.

Learned counsel for the petitioner drew attention of this Court to the statement of Seema-complainant who stepped into the witness box as PW-1 before the trial Court on 17th August, 2021. A perusal of the said

statement shows that the complainant herself has turned hostile with specific statement that Pawan Kumar, who is present in Court did not commit the murder of her brother and she has not seen any body committing the offence at any stage. During the course of cross-examination as well the complainant has stated that she did not get recorded any statement to the police as alleged to be the statement Ex.PA. On a specific question to the statement Ex.PA from portion A to A1, the complainant denied having made such statement to the police categorically stated that it is neither the fact nor it was so informed to the police. I do not know who killed her brother Ramesh Kumar @ Vicky.

It has also been brought to the notice that mother of the deceased has been examined as PW-2, who as well has turned hostile. The co-accused of the petitioner namely Varinder Sharma @ Vicky has already been granted the concession of regular bail by this Court vide order dated 12th November, 2021 passed in CRM-M-36431 of 2021 (Annexure P-3).

On the other hand, learned State counsel is not in a position to dispute these facts, however, submits that the next date of hearing before the trial Court is 26th August, 2022 and out of total 30 witnesses, 5 have been examined. Apart from that 3 witnesses have been given up by the prosecution.

Keeping in view the afore-said facts and also the aspect that the petitioner is behind the bars for more than a period of two years, along-with the fact that the co-accused Varinder Sharma @ Vicky has been granted the concession of regular bail by this Court, I am of the view that no useful purpose would be served by keeping the petitioner behind bars for an

indefinite period.

The present petition is, therefore, allowed and the petitioner is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court.

15th JULY, 2022
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(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>