

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

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CRM-M-33426-2021 (O&M)
Date of Decision: 09.02.2022

Kapil Pandit

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Damanjit Singh Sandhu, Advocate, for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against him vide FIR No.30 dated 18.02.2020 at Police Station Tibba, District Ludhiana, Punjab, under Sections 302/34 IPC.
2. The FIR in question was lodged at the instance of Abdul Mohid wherein he alleged that all members of his family had gone to their native village. His brother-in-law Mohammad Chun Chun was also residing in the same village and was plying rickshaw. It is alleged that on 17.02.2020 he came to know that blood-stained dead body of his brother-in-law Mohammad Chun Chun had been recovered by the police. The complainant alleged that some unknown persons had murdered his brother-in-law with the help of a cemented stone.

3. Learned counsel for the petitioner has submitted that he is nowhere named in the FIR and has been falsely implicated on the basis of a supplementary statement of the complainant recorded two days after lodging of the FIR i.e. on 19.02.2020 without there being any basis as to how he had come to know about the additional information nominating the petitioner as an accused.
4. Opposing the petition, learned State counsel has submitted that although the petitioner is not named in the FIR, but in the supplementary statement of the complainant recorded on 19.02.2020 he has specifically stated to the effect that on 17.02.2020 Mohammand Chun Chun was in an inebriated condition in the evening. At about 11:00 PM Raja Tank and Kapil Mama (present petitioner) were also present there, who were also drunk. Mohammad Chun Chun after finishing his liquor demanded liquor from Raja and Kapil Mama (petitioner) on account of which a quarrel ensued amongst them leading to a scuffle. It is alleged that Kapil brought a meat cutting instrument from an adjoining shop and gave a blow with the same to Mohammad Chun Chun on his face. Raja is also stated to have inflicted 2-3 blows to Mohammad Chun Chun with the help of a cemented stone lying nearby on account of which Mohammad Chun Chun died at the spot. It has been submitted that in these circumstances, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner has been behind bars since the last about 2 years and the charges are yet to be framed and that as many as 17 PWs have been cited. It has further been informed that the petitioner is not involved in any other case.

6. It is a case of blind murder wherein the day when the FIR was lodged the complainant categorically stated that his brother-in-law Mohammad Chun Chun had been killed by some unknown persons. However, 2 days thereafter he nominated the petitioner and Raja Tank as the assailants while specifically stating that the petitioner had inflicted injuries with a meat cutting knife and that the co-accused had inflicted injuries with a cemented stone. However, the source of said additional information is not forthcoming. In any case, this Court find that the petitioner has been behind bars for a substantial period of 2 years and that the trial has not even commenced inasmuch as even the charges have not been framed so far. The prosecution has cited as many as 17 PWs and the examination of witnesses would certainly consume time. The petitioner is otherwise not stated to be involved in any other case. In view of the aforestated position, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

09.02.2022

VY/Hemlata

(GURVINDER SINGH GILL)**JUDGE**

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No