

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

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CRM-M-36442-2022

Date of Decision: 15.12.2022

Vijay Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Sandeep Arora, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.77 dated 01.07.2019 at Police Station Division No.8, District Jalandhar, under Sections 302/323/34 IPC.
2. The FIR was lodged at the instance of Mohini, wherein she has stated that she and her husband had been working as labourers in a Cardboard factory. Suraj and Shiv reside in their adjoining quarter. On 01.07.2019, Shiv Kumar, Suraj and Vijay had been consuming liquor since afternoon in the quarter of Suraj and had been hurling abuses. At about 8.00 PM, complainant's husband Mahesh asked the aforesaid three to restrain from hurling abuses upon which the said persons gave beatings to the complainant's husband. It is further alleged that while Vijay and Suraj caught hold of her husband, Shiv Kumar pulled out a knife from the pocket of his pants and inflicted a blow with the same on the left side of chest of complainant's husband as a result of which he lost his life.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that even if all the allegations as leveled in the FIR are taken to be correct, it is the co-accused Shiv Kumar, who had inflicted the fatal blow to the deceased and the petitioner is not even stated to be armed with any weapon. It has also been submitted that during the course of trial, the complainant Mohini and other two eye-witnesses have absolutely resiled and have not supported the case of the prosecution at all.
4. Opposing the petition, learned State counsel has submitted that the petitioner by catching hold of the deceased had facilitated commission of offence and it was on account of the fact that the petitioner as well as Suraj had caught hold of the deceased that Shiv Kumar was able to inflict knife blow to the deceased leading to his death. It has also been submitted that the petitioner apparently had been able to intimidate the witnesses and does not deserves the concession of bail. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 years, 5 months & 11 days and that he is not involved in any other case. It has also been informed that as on date 4 out of cited 14 PWs have been examined.
5. This Court has considered rival submissions.
6. Having regard to the long custody of the petitioner and the fact that the complainant and other material eye-witnesses have been resiled and the petitioner otherwise has a clean record, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some

time. 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.

15.12.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**