

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

**CRM-M-47662 of 2021
Date of Decision:- 08.12.2022**

Shally Kumar

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Ranjit Singh, Advocate
for the petitioner.

Mr. C.L. Pawar, Addl. AG, Punjab.

KARAMJIT SINGH, J.

Prayer is for grant for regular bail to the petitioner in case having FIR No.251 dated 12.07.2020 registered under Sections 302, 201, 34 IPC, Police Station Sadar Dhuri, District Sangrur.

Status report by way of affidavit of Deputy Superintendent of Police, Sub-Division, Dhuri, Sangrur, filed on behalf of the State is taken on record along with Annexures R-1 to R-3.

The counsel for the petitioner has *inter alia* submitted that the petitioner has been falsely implicated in the present case which was registered in regard to murder of Hari Chand, husband of the complainant. That at the very beginning when the dead body of Hari Chand was found, the complainant got recorded her statement dated 11.07.2020, Annexure R-1, that the death of her husband has

been caused due to mental disorder. That thereafter, the complainant changed her version and made statement, Annexure R-2, to the police to the effect that her husband was murdered by Raj Kumar @ Raju and Arun Kumar and accordingly, FIR in this case was registered against both the said persons on 12.07.2020. That on 14.07.2020 the complainant recorded her supplementary statement, Annexure R-3, wherein she stated that her husband was murdered by Ramanpreet Singh in connivance with Gaurav Kumar and the petitioner as there was money dispute between said Ramanpreet Singh and her husband.

The counsel for the petitioner further submits that aforesaid Ramanpreet Singh has died. The petitioner is in custody for the last more than 2 years and 4 months and is having no criminal history. It is further submitted that co-accused Gaurav was juvenile and he was tried by Juvenile Justice Board, Sangrur and finally acquitted vide judgment dated 5.9.2022 by the Court of Principal Magistrate, Juvenile Justice Board, Sangrur and copy of said judgment is taken on record. The counsel for the petitioner further submits that it will take considerable time for the trial to conclude and in the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period, especially when similarly situated co-accused stands acquitted.

The present petition is contested by the State counsel who submits that the petitioner is facing trial in a case relating to murder of Hari Chand husband of the complainant and the trial is

going on. However, the State counsel has not disputed the fact that initially the complainant got recorded her statement Annexure R-1 and then she recorded another statement Annexure R-2 in which she named Raj Kumar @ Raju and Arun Kumar and accordingly, the FIR was registered in this case against both of them and subsequently, the complainant named Ramanpreet Singh, Gaurav and petitioner in her statement Annexure R-3. The State counsel has not disputed the fact that co-accused Gaurav (juvenile) has been acquitted by the Court of Principal Magistrate, Sangrur.

I have considered the submissions made by counsel for the parties.

From the aforesaid facts and circumstances, it transpires that complainant kept on changing her version and at the first instance, she did not suspect any person and in her statement Annexure R-2, she suspected Raj Kumar @ Raju and Arun Kumar and on the next day vide Annexure R-3, she named Ramanpreet Singh (since deceased), petitioner and Gaurav to be the persons who committed murder of her husband. Co-accused Gaurav is stated to be acquitted by the court concerned vide judgment dated 5.9.2022. As per the custody certificate furnished by the State counsel, the petitioner is having no criminal history and he is behind the bars for last more than 2 years and 4 months. The entire case is based on circumstantial evidence. Admittedly, the trial is going on but it will take considerable time for it to conclude. In the given circumstances,

this Court is of the view that no purpose is going to be served by prolonging the judicial custody of the petitioner.

In light of the above, without commenting on the merits of the case the present petition is hereby accepted and the petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned. However, any observations made hereinabove shall not be construed as an expression of opinion on merits of the case.

08.12.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking?

Yes / No

Whether reportable?

Yes / No