

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

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CRM-M-48201-2021(O&M)

Date of Decision: 02.08.2022

Deepak Kumar @ Deepu

...Petitioner

V/s.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner

Ms. Amarjit Kaur Khurana, DAG Punjab

VINOD S. BHARDWAJ, J. (Oral)

(1) The instant petition has been filed under Section 439 CrPC for grant of regular bail to the petitioner in case bearing FIR No.168 dated 19.08.2018 under Sections 302 IPC registered at Police Station Sadar, Amritsar.

(2) The FIR was registered on the statement of Rani on the allegations that on 18.08.2018, her son Chandan Kumar, who is serving in Punjab Police, was present in the house when at about 11:45 PM, an altercation took place between brothers Chandan Kumar and Deepak Kumar alias Deepu (petitioner herein). Deepak Kumar brought a knife from kitchen and started giving blows with to Chandan Kumar with an intention to kill him. When her daughter Bindu came forward, Deepak Kumar gave a knife blow in the chest of Bindu. Chandan Kumar and Bindu both fell on the ground. When she raised *raula*, then while leaving, Deepu gave a knife blow on the left thigh of Bindu and then fled away. Goldy and Wilson came to the spot and with their help, she got admitted both injured in hospital, but her daughter Bindu was declared dead and Chandan Kumar also died later on.

(3) Learned counsel for the petitioner contends that the petitioner has been in custody since 19.08.2018 and has already undergone custody of 03 years, 11 months and 18 days. He further submits that as many as 06 prosecution witnesses including the author of the FIR Rani have been examined in Court and that they have not supported the prosecution version. He further contends that of the aforesaid 6 witnesses examined, 4 have not supported and witnesses 5 & 6 are only hearsay witnesses and as such their testimony cannot carry any weight. It is submitted that there are a total of 18 prosecution witnesses sought to be examined as per the final report and that conclusion of trial is likely to take long.

(4) Learned State counsel contends that 08 witnesses have been examined so far and that recovery of knife had been effected at the disclosure of the petitioner. The said weapon had been used in the offence. It is, however, not disputed that the petitioner has undergone 03 years, 11 months and 18 days of actual custody and that only 8 witnesses have been examined so far. It is also not disputed that the petitioner does not have any other criminal case against him.

(5) I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

(6) Taking into consideration, the period of custody already undergone by the petitioner as also the stage of trial which is likely to take long and the fact that the eye-witnesses have currently not supported the case of the prosecution and the probative value and the weight of the circumstantial evidence would be seen finally at the stage of trial, I deem it appropriate to enlarge the petitioner on regular bail.

(7) Accordingly, the instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(8) It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

(9) The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

(10) The petition is allowed.

02.08.2022
V.Vishal

(VINOD S. BHARDWAJ)
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes /No.</i>
<i>Whether Reportable</i>	:	<i>Yes/No</i>