

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

212

CRM-M-49932-2022
Date of decision : 07.12.2022

Ram Lubhaia

Petitioner

V/S

State of Punjab and another

Respondents

CORAM : HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: Mr. Satnam Singh Thakur, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

Mr. Anshul Sharma, Advocate
for respondent No.2/complainant.

ASHOK KUMAR VERMA, J. (ORAL)

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.70 dated 11.09.2022 registered under Sections 436, 380, 506, 427 and 201 of the Indian Penal Code, 1860 at Police Station Sadar Phagwara, District Kapurthala.

The above-said FIR was registered on statement of complainant-Balvir Kaur alleging that her husband-Ram Lubhaia (the petitioner) is a drunkard and do not stay at home. Whenever he come to the house, he used to abuse her. On 10/11.09.2022, the petitioner entered into the house after scaling over the wall and tried to kill her and her daughter by sprinkling oil upon them. The complainant and her daughter saved themselves by running out of the house. Thereafter, the petitioner sprinkled oil on her bed, sofa, almirahs, petis, passport,

certificates of her daughter and other documents on fire. In the morning when she checked the house she saw that her gold ear-rings, 02 gold rings and some silver ornaments were missing and they were stolen by the petitioner.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There is a dispute going on between the petitioner and his wife Balbir Kaur. The petitioner was not having any intention to kill his family. The matter is now resolved between the parties after indulgence of the respectables inhabitants of the village. The petitioner is in custody since 12.09.2022. Nothing is to be recovered from the petitioner. The petitioner is not involved in any other case. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

On the other hand learned State counsel has opposed the present petition on the ground that the petitioner tried to kill his wife-Balvir Kaur and his daughter. Custody certificate dated 06.12.2022 has been filed by learned State counsel in the Court today which is taken on record. As per the custody certificate the petitioner is in custody since last more than 02 months and he is not involved in any other case.

Learned counsel for the complainant submits that the matter has been compromised between the parties and the complainant has no objection if the petitioner is released on regular bail.

I have heard learned counsel for the parties and gone through the paper-book.

Keeping in view the facts and circumstances of the case,

custody period of the petitioner, the fact that the matter has been compromised between the parties and also the fact that the trial likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Accordingly, petitioner-Ram Lubhaia is ordered to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

07.12.2022

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**(ASHOK KUMAR VERMA)
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No