

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CRM-M-3044 of 2023

Date of Decision: 25.01.2023

Ravi Kumar @ Laddi

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sourabh Singla, Advocate,
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.235 dated 19.11.2020, under Sections 341, 323, 294, 148, 149 IPC (Section 307 IPC added later on), registered at Police Station Nangal, District Rupnagar.

It has been submitted by the learned counsel for the petitioner that this is the second successive bail petition which has been filed by the petitioner and the earlier bail petition filed by the petitioner was dismissed on 07.04.2022 and at that point of time, charges in the present case were framed but no prosecution witness was examined and therefore the bail petition was dismissed. He submitted that now three prosecution witnesses including the complainant, out of 11 cited witnesses have been examined. He submitted that it is a case where the allegation was with regard to killing of a person near the canal but in fact the entire case is based upon

circumstantial evidence and the petitioner has clean antecedents and is not involved in any other case. He submitted that the petitioner is in custody from 03.01.2021 and has faced incarceration for 2 years and 17 days and considering the aforesaid facts and circumstances, he may be considered for the grant of regular bail.

On the other hand, Ms. Akshita Chauhan, learned DAG, Punjab has submitted that it is correct that the petitioner is in custody from 03.01.2021, which is almost 2 years and 17 days and he is not involved in any other case. She has also filed the custody certificate of the present petitioner, which is taken on record. She however opposed the grant of bail to the petitioner on the ground that as per the allegation the petitioner had given knife blow to the deceased and considering the gravity of the offence, the petitioner is not entitled for the grant of regular bail.

I have heard the learned counsel for the parties.

The present is a case where earlier the petitioner had filed bail petition which was dismissed by this Court on 07.04.2022. A perusal of the aforesaid order would show that at that point of time charges in the present case were framed but no prosecution witness was examined. However, today it has been pointed out by the learned counsel for the parties that three witnesses, including the complainant have been examined. The petitioner is stated to be not involved in any other case and has clean antecedents. Furthermore, it is not the case of the State nor it has been argued by learned counsel for the State that in case the petitioner is released on bail, then he may abscond from justice or influence any witness or tamper with any evidence.

In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant the concession of regular bail to the petitioner.

Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

January 25, 2023
dinesh

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