

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(226)

CRM-M-5871 of 2023
DATE OF DECISION:-14.03.2023

Ravi Kumar

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Akash Manocha, Advocate, for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 439 of the Code of Criminal Procedure, 1973, petitioner prays for grant of regular bail in case FIR No.115 dated 04.08.2021 under Sections 302 and 34 IPC registered at Police Station Verka, Police Commissionerate Amritsar, Amritsar (Pb.).

As per the FIR, allegations levelled against the petitioner are that he along with his other co-accused Shally and Ashwani Kumar called the deceased to their house and murdered him. Learned counsel for the petitioner submits that the investigation in the present case already stands concluded with the filing of *challan* way back on 29.10.2021, however, even after expiry of more than 1 year & 4 months of the conclusion of investigation, charges have not been framed so far, and the trial has not yet commenced as such. Learned counsel further submits that petitioner is already behind the bars for a period of more than 1 year 7 months & 8 days now and the conclusion of the trial is likely to take some time, thus, the petitioner deserves concession of regular bail.

On the other hand, learned State counsel opposes the prayer made

herein while submitting that there are direct allegation against the petitioner of having caught hold of the deceased while the offence was committed. He also submits that the murder of Jagtar Singh was a result of some relationship between him and one of the co-accused Shally.

I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

In the present case, petitioner is behind the bars for a period of 1 year, 7 months and 8 days, the investigation already stands concluded with the filing of *challan* way back on 29.10.2021, however, even after expiry of 1 year and 4 months, charges have not been framed so far and completion of trial is definitely going to take some time and as such, there does not appear to be any justification for extending the incarceration of the petitioner any further. Besides it, petitioner also places reliance upon certain documents pertaining to his attendance at his work place around the time of incidents for having raised the plea of alibi, however, the same is a matter of trial, thus, the petitioner deserves the concession of regular bail.

Without commenting anything on the merits, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

However, nothing expressed hereinabove shall be construed as an expression on the merits of the case.

14.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No