

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

CRM-M-6507 of 2023 (O&M)

DECIDED ON: 13th February, 2023

Raman Kumar @ Raman

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Fatehjeet Singh, Advocate for petitioner.

Mr. Iqbal Singh Mann, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

This is second petition seeking regular bail in case of FIR No. 212 dated 6.12.2017 under Sections 302, 201 (Section 120-B added lateron) IPC, registered at Police Station Basti Bawa Khel, Jalandhar District Jalandhar.

Earlier petition was dismissed as withdrawn on 15.3.2022.

Learned counsel for the petitioner submits that the co-accused-Rajan was granted bail by this Court vide order dated 15.3.2019 and the main accused-Vishal Kumar was granted bail on 5.12.2022. He claims parity with co-accused-Rajan.

Order dated 5.12.2022 in CRM-M-29387 of 2021 is reproduced below:

"Through this petition, the petitioner seeks regular bail in case FIR No.212 dated 06.12.2017, registered at Police Station Basti Bawa Khel, Jalandhar, under Sections 302, 201 and 120-B IPC.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR, but was indicted on the statement of Bablimother of the deceased, recorded subsequently on 07.12.2017; that the burnt dead body of Kavita was found on 06.12.2017; that the petitioner has been in custody since 11.12.2017; that challan has been presented and that out of 25 prosecution witnesses, only 06 witnesses, including the complainant, have been examined.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that as per the statement of Bablimother of the deceased, she saw the petitioner taking Kavita on motorcycle on 03.12.2017 and 05.12.2017 also. The petitioner is also involved in FIR No.370 dated 16.10.2017, under Sections 307, 452, 324, 363, 511, 148, 149 and 120-B IPC, registered at Police Station Phillaur.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR. Though there are allegations against the petitioner that he was last seen with the deceased whose burnt dead body had been found, yet the fact remains that he has been in custody since 11.12.2017.

Challan has been presented. Out of 25 prosecution witnesses, only 06 witnesses have been examined. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate. "

Learned State counsel on instructions opposes the prayer for bail but is not in a position to distinguish the case of the petitions *viz-a-viz* with co-accused-Rajan so far as grant of bail is concerned and is not disputing the fact that the main accused-Vishal Kumar was granted bail as per the allegations made.

Without commenting upon the merits of the case and on the basis of parity of petitioner with co-accused and the fact that main accused was granted bail and petitioner is in custody since 8.12.2017, conclusion of trial is likely to take time, bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

Since the main case has been decided, the pending application, if any is rendered infructuous.

13th February, 2023
reema

(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>