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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8450-2023 (O&M)
Date of decision : 18.08.2023

Robanpreet ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anil Kumar Spehia, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.0050 dated 17.03.2019 under Sections 363, 366-A, 302, 201, 120-B of the Indian Penal Code, 1860 (Section 366-A IPC deleted and Sections 364, 376-D IPC and Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1).
2. Learned counsel for the petitioner, at the outset, would contend that a de-novo trial has commenced in the present case after filing of an application under Section 319 of the Code of Criminal Procedure, 1973 which was allowed and as a result of which the additional accused, namely,

Manjeet Kaur, Kulwinder Kaur and Harpreet Kaur, have been summoned to face trial. Learned counsel would further contend that the allegation against the petitioner in the present case is that he had held the arms of the deceased while Phuman Singh strangled her. Learned counsel would further contend that the similarly situated co-accused Raj Kumar @ Raju, against whom similar allegations have been made, has since been granted the concession of bail by this Court vide order dated 25.01.2023 passed in CRM-M-51232-2022. Learned counsel has also referred to the order dated 20.04.2023 passed in CRM-M-17719-2023 granting the concession of bail to another similarly situated co-accused, namely, Gagandeep Singh @ Gagan. It is further the contention that the present petitioner is in a better position than Raj Kumar @ Raju as it was Raj Kumar @ Raju who had pointed to the well where the dead body of the deceased was recovered. Learned counsel has further pointed out that after de-novo trial has commenced, only 06 witnesses out of 30 have been examined and that the petitioner has been in custody for a period of 04 years, 04 months and 25 days as also that he has absolutely clean antecedents.

3. Learned counsel for the State has filed the custody certificate and as per the custody certificate the petitioner has been in custody for a period of 04 years, 04 months and 25 days. Learned State counsel on instructions from ASI Sukhdev Singh has stated that the main role attributed in the FIR was to Phuman Singh who had admittedly committed suicide on the very next day after the death of the deceased. Learned State counsel is not in a position to deny the fact that the similarly situated co-accused – Raj

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Kumar @ Raju - has since been granted the concession of regular bail vide order dated 25.01.2023 passed in CRM-M-51232-2022 and that there is no other case pending against the petitioner. Learned State counsel is also not in a position to deny the fact that after de-novo trial has commenced, only 06 out of 30 witnesses have been examined.

4. Heard.

5. In the present case, admittedly, a de-novo trial has commenced after summoning of the additional accused, namely, Manjeet Kaur, Kulwinder Kaur and Harpreet Kaur. The petitioner has already been in custody for a period of 04 years, 04 months and 25 days. Similarly situated co-accused Raj Kumar @ Raju, against whom similar allegations have been made, has since been granted the concession of bail by this Court vide order dated 25.01.2023 passed in CRM-M-51232-2022. Another similarly situated co-accused, namely, Gagandeep Singh @ Gagan, has also been granted the concession of bail by this Court vide order dated 20.04.2023 passed in CRM-M-17719-2023. In the present case, after the de-novo trial commenced, only 06 witnesses out of 30 have been examined. There is no other case pending against the petitioner as per the custody certificate. The trial is likely to take some time to conclude and no useful purpose would be served by keeping the petitioner behind the bars any further.

6. In view of the above and without commenting upon the merits of the case, this Court deems it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the

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Trial Court/Additional Sessions Judge (Duty) concerned.

7. However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.
8. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.
9. Disposed off. Pending applications, if any, also stand disposed off.

18.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO