

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227-CRM-M-12497-2023

Date of Decision: 20.03.2023

PARVINDER KUMAR @ HAPPY

... Petitioner

VS.

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. KS Brar, Advocate for petitioner

Sandeep Moudgil, J. (Oral)

The petitioner seeks regular bail in case FIR No.118 dated 23.09.2019 under Sections 302/328/323/34 IPC, registered at Police Station Khui Khera, District Fazilka.

Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case. He further contended that after registration of FIR, an enquiry was conducted by the SP (H), Fazilka and SHO P.S. Khui Khera wherein, it was found that the allegations of complainant/deceased were as false and as such, there is not an iota of truth in it and also there is no evidence to indicate that accused have committed any offence in the present case.

Notice of motion.

On the asking of the Court, Mr. Mohit Thakur, AAG Punjab accepts notice and has filed custody certificate dated 17.03.2023, which is taken on record. According to which, the petitioner has undergone 6 months and 12 days of actual custody. He asserts that the petitioner has been involved in murder of a young person by forcibly pouring poisonous substance in his mouth and that no prosecution witness has been examined till date and as such, the petitioner, on being released, may hamper the investigation.

As per challan filed by the police, the SIT was constituted and during investigation, it was found that deceased Ram Singh was having illicit relations with a girl, Simarjit Kaur who was resident of the village and the residents of the village came to know about their illicit relations. It has also come that Amandeep Singh @ Aman had seen many times Ram Singh entering into the house of Simarjit Kaur, due to which some quarrel had occurred between them and they were restrained from quarrelling by the petitioner and Baljinder Kumar. The deceased Ram Singh also went to his field where Ram Singh, in drunk condition, consumed some poisonous medicine under the shock of Simarjit Kaur who was having illicit relations.

In view of the above and the fact that the petitioner was declared innocent in the challan and is not a habitual offender, and also taking into consideration the fact that the trial is likely to take some time, therefore, no fruitful purpose will be served by keeping the petitioner behind bars, the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The present petition is, therefore, allowed.

20.03.2023

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No
Yes/No