

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.23729 of 2023
Date of decision: 26th July, 2023

Nanak Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arnav K. Sood, Advocate for the petitioner.
Mr. Amit Rana, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.119 dated 11.09.2020 under Section 302 IPC registered at P.S. Meharban District Ludhiana.

2. On the last date of hearing, i.e. 10.05.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to appear before the trial Court.

“Learned counsel for the petitioner, at the outset, has drawn the attention of this Court to the allegations levelled in the FIR (Annexure P-1) as well as supplementary statement (Annexure P-3) of the complainant recorded under Section 161 Cr.PC. Learned counsel submits that a perusal of the same clearly reveals that there is no

allegation much less by way of any whisper against the petitioner. Learned counsel further submits that it is a case of an eyewitness account wherein the complainant had witnessed his son being allegedly murdered by the son of the petitioner. However, strangely, it was one year thereafter when the complainant stepped into the witness box as PW-1, he improved upon his statement given at the time of registration of FIR as well as his supplementary statement recorded under Section 161 Cr.PC and attributed a role to the petitioner in the crime in question. Thereafter an application under Section 319 Cr.PC was moved by the prosecution, which was allowed and the petitioner was summoned to face trial as an additional accused. Learned counsel still further submits that in the aforesaid facts and circumstances, it is evident that the entire complexion of the prosecution case is being sought to be changed and the petitioner has been falsely implicated in the case in hand.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 10.05.2023, the petitioner has appeared before the trial Court and has been granted the bail by the trial Court. He has also placed on record copy of the order dated 17.05.2023 passed by learned Additional Sessions Judge, Ludhiana.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having appeared before the trial Court and that he has been released on bail by the trial Court.

5. In the circumstances, the petition is allowed and the interim order dated 10.05.2023 is made absolute. Needless to say, in case the

petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

July 26, 2023
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No