

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

222

CRM-M-27996 of 2023

Date of Decision:03.07.2023

Ram Lubhaya

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Narinder S Lucky, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.88 dated 19.06.2021, under Sections 302, 342, 120-B, 148, 149 IPC, registered at Police Station Mehatpur, District Jalandhar.

2. It is submitted by learned counsel for the petitioner that the petitioner is in custody for one year and nine months and the charges in the present case were framed in the month of January 2023 and no prosecution witness has been examined so far. He submitted that the petitioner is 67 years of age and has already faced incarceration for one year and nine months and therefore the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Rajiv Verma, learned DAG, Punjab has

opposed the grant of regular bail to the petitioner on the ground that it is a case where a direct role has been attributed to the petitioner and he alongwith his family members had killed a person and there is an eye witness to the aforesaid incident. He also submitted that none of the witness has been examined till date and there is an apprehension that in case the petitioner is released on bail, then he may abscond from justice or influence any witness. He further submitted that in view of the fact that a direct role has been attributed to the petitioner therefore the petitioner is not entitled for the grant of regular bail.

4. I have heard learned counsel for the parties.
5. It is a case where the petitioner has already faced incarceration for about 1 year and 9 months but a direct role has been attributed to the petitioner. The charges were framed in the present case in the month of January 2023 but none of the witness has been examined and therefore this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner. Consequently, finding no merit in the present petition, the same is dismissed.
6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of the present petition.

(JASGURPREET SINGH PURI)
JUDGE

July 03, 2023
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No