

CRM-M-30761 of 2023

#1#

MANOJ KUMAR
2023.07.28 17:12

2023:PHHC:095891

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

CRM-M-30761 of 2023

Jeeta Khan

....Petitioner

VS.

State of Punjab

...Respondent

Date of decision : 27.07.2023

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Charanjit Singh, Advocate for the petitioner.
Mr. Charanpreet Singh, AAG, Punjab.

HARSIMRAN SINGH SETHI, J. (ORAL)

Present petition has been filed seeking regular bail in case FIR No.123 dated 01.12.2020 under Sections 302,34 IPC registered at P.S Phul, District Bathinda.

Learned counsel for the petitioner contends that the petitioner is behind bars since 04.12.2020 and as the trial is likely to take some time to conclude and out of total ten witnesses, three have already been examined, thus the petitioner deserves the concession of regular bail.

Learned State counsel on instructions from Inspector Kuldeep Singh, submits that the allegations levelled against the petitioner are serious in nature. The deceased died as the petitioner was holding him while he was being attacked by other co-accused, hence the petitioner helped the other co-accused so as to stab the victim, which act ultimately resulted in the death of the victim.

I have heard learned counsel for the parties and gone through the record through their able assistance.

In the present case, allegations against the petitioner are serious in nature. Specific allegation is attributed to the petitioner that he was holding the

deceased from his arms so as to restrain him from defending himself and co-accused Bagga Khan, who was having kirch in his hand, inflicted the blow on the son of the complainant, who ultimately died due to the said injuries suffered.

At this stage, it is necessary to consider among other circumstances, the nature of accusation and the severity of punishment and reasonable apprehension of tampering with the evidence. Keeping in view the facts and circumstances of this case, this Court is of the view that the petitioner cannot be granted the concession of bail, at this stage. Mere fact that the petitioner has undergone certain period of incarceration by itself would not entitle the petitioner to be enlarged on bail and that too by ignoring the gravity of offence alleged against him. The evidentiary value of the statements of witnesses will be determined by the trial court at the appropriate stage. The trial is at a very crucial stage and the material witnesses are yet to be examined, so no ground is made out to grant the concession of bail, at this stage.

Dismissed.

July 27, 2023
manoj

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable : No