

CRM-M-31667-2023

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 20.07.2023

Komal

....Petitioner

V/s

State of U.T. Chandigarh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. R.K. Saini, Advocate for the petitioner.

Mr. A.M. Punchhi, P.P. U.T., Chandigarh

ARUN MONGA, J. (Oral)

Petitioner seeks regular bail in criminal case bearing FIR No.137 dated 18.08.1999 (Annexure P-1), registered under Sections 302, 201, 34, 342 of the Indian Penal Code, 1860 (for short 'IPC'), at Police Station Manimajra, U.T. Chandigarh.

2. Per FIR, complainant Sukhbir Singh along with his father went to his maternal uncle namely Chander Pal, who was residing in Shanti Nagar, Manimajra. On 27.07.1999, after selling vegetable, Chander Pal came home and was called by Budh Sain in the room of Nathu, his neighbourer and started consuming liquor. A scuffle ensued and petitioner along with other co-accused caught hold of Chander Pal and killed him. An FIR was registered in this regard. During investigation, petitioner absconded but was later arrested and was in custody since 08.05.2023.

3. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case as no recovery was effected from him. He submits that FIR has been registered on the statement of the complainant, who was only 13 years old at the time of incident. Moreover, there were 5 accused in total out of which 3 have already been acquitted by the Court below. He further

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submits that challan has been presented and conclusion of trial will take long time, thus, no useful purpose would be served by keeping the petitioner behind the bars.

4. Per contra, learned State counsel, on instructions, opposes the bail petition. He contends that petitioner has committed a serious offence. He submits that taking into account conduct of petitioner, who has been absconding for a long time and was declared a proclaimed offender but ultimately arrested by PO cell on 08.05.2023 i.e. almost after 24 years of occurrence, chances of petitioner fleeing from trial proceedings cannot be ruled out. Referring to custody certificate dated 20.07.2023, he submits that petitioner has undergone custody of 2 months and 12 days.

5. I have heard rival contentions of learned counsels for the parties and have gone through the case file.

6. Testimony of prosecution witnesses is still underway. Given the nature of offence and role attributed to the petitioner, possibility of influencing/intimating the witnesses, who are yet to depose, cannot be ruled out. In the premise at this stage, no concession is being accorded to the petitioner.

7. Consequently, I find no ground to interfere. Petition is dismissed.

8. It is made clear that any observations and/or submissions noted herein above shall not have any effect on merits of the case as the same are for the limited purpose of hearing the instant bail petition alone and learned Trial Court shall proceed without being influenced with this order.

9. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

July 20, 2023
Ajay

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