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

CRM-M-33780-2022 (O&M)

Date of decision : 20.09.2023

Sanjiv Kumar @ DTO

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab,
ASI Harinder Singh.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.265 dated 07.06.2020, under Sections 302, 201, 34 of the Indian Penal Code, 1860, registered at Police Station Islamabad, Police Commissionerate, District Amritsar.

2. Allegations are that the petitioner along with other co-accused, committed murder of Ramesh Kumar @ Vicky and brief narration would be as under:-

On 06.06.2020 at 7.00 p.m., complainant Seema Rani (sister of the deceased) along with son, Rinku went to see her mother and brother at Neevi Abadi, Kishan Kot, Islamabad, Amritsar and saw smoke coming out of the house. She called her mother, who told that only Ramesh was at home. When the complainant entered the

room adjoining the main gate of the house, she saw blood on the ground; bed and beddings were already burnt and smoke was coming out. On checking the second room, she saw that dead body of Ramesh was lying near the door with his face, head, chest and arms totally burnt.

3. There is no assistance on behalf of the petitioner.
4. This Court granted interim bail to the petitioner on 10.08.2023, in the following manner:-

“Contends that petitioner is in custody since 12.06.2020 and the complainant as well as eye-witness have turned hostile. Also submits that there is no other criminal case pending against the petitioner; nor he is a previous convict.

Learned State counsel seeks time to verify the aforesaid factual position.

Posted for 05.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing bail and surety bonds subject to the satisfaction of learned trial Court/ CJM/ Duty Magistrate concerned.

Learned trial Court shall proceed in the matter expeditiously.”

5. Today learned State counsel, on instructions, has apprised the Court that complainant as well as the eye-witness has turned hostile. He also acknowledged that there is no incriminating material collected during investigation regarding complicity of the petitioner.
6. In view of the above, present petition is allowed. Interim bail granted to the petitioner, vide order dated 10.08.2023, is made

absolute. He shall be admitted to bail on furnishing fresh bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. Petitioner shall appear on each & every date and fully co-operate with the learned trial Court without seeking any unnecessary adjournment(s).

8. The above observations may not be construed as an expression of opinion on the merits of the case.

9. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

20.09.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No