

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

CRM-M-37572-2023(O&M)

Date of Decision: 08.08.2023**Ram Tirath**

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. G.S. Bajwa, Advocate, for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.97 dated 17.09.2019, under Sections 302, 201, 120-B, 34 IPC, registered at Police Station Mohkampura, Amritsar Rural.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for about 4 years and now 6 out of 27 witnesses have been examined including all the material witnesses. He submitted that the FIR was lodged purely on the basis of suspicion when a dead body of an unknown lady was found. He submitted that the allegations against the petitioner were that he was landlord of the house where the deceased alongwith her husband were living and the allegations were that the husband of the deceased was having relations with the wife of the petitioner. He submitted that the entire prosecution story is based upon suspicion and circumstantial evidence and the petitioner has already faced incarceration for about 4 years and therefore, he

may be considered for the grant of regular bail. He further submitted that the

petitioner is not involved in any other case.

3. On the other hand, Mr. Harsimar Singh Sitta, DAG, Punjab has submitted that it is correct that the petitioner is in custody for about 4 years and now 6 witnesses have been examined. It is also correct that the petitioner is not involved in any other case.

4. I have heard the learned counsel for the parties.

5. It is a case where the FIR was lodged on the basis of finding of a dead body of an unknown lady and thereafter on the basis of investigation, the name of the petitioner was nominated. The petitioner is stated to be landlord of the deceased lady who was also residing with her husband. All the allegations qua the petitioner can be proved only at the time of trial and since the petitioner has already faced incarceration for about 4 years and he is stated to be not having criminal antecedents. Furthermore, it is not the case of the State that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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