

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

215 CRM-M-48238-2022 (O&M)
Date of decision: 22.08.2023

Ashwani Kumar @ Ashni Kumar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Anil Kumar Spehia, Advocate for the petitioner.
Mr. Subhash Godara, Addl. A.G., Punjab.

VIKAS SURI, J.

CRM-33777-2023

This is an application for placing on record Annexures P-7 to P-10.

Notice of the application.

Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the respondent-State.

For the reasons mentioned in the application, the same is allowed. Annexures P-7 to P-10 are taken on record, subject to all just exceptions.

Main Case

1. The petitioner has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.0186 dated 08.11.2021, under Sections 302, 201, 404 and 34 IPC, registered at Police Station Nakodar Sadar, District Jalandhar (Rural).

2. Custody certificate of the petitioner dated 21.08.2023 has been filed by learned State counsel, which is taken on record. A copy thereof furnished to learned counsel for the petitioner.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Co-accused of the petitioner, namely, Abhishek, Balram @ Bunt and Surinder Kumar @ Shinder @ Surinder Pal, have already been granted the concession of regular bail by this Court. Learned counsel further submits that case of the petitioner is at par with that of co-accused. The investigation in the case is completed; the challan stands presented. The petitioner is behind bars since 10.11.2021.

4. On the other hand, learned State counsel vehemently opposes the bail petition submitting that the petitioner has actively participated in the commission of crime whereby he along with co-accused administered intoxicant injection to deceased Akshay Kumar @ Sonu. Therefore, the present petition deserves to be dismissed.

5. I have heard learned counsel for the parties and perused the record.

6. Keeping in view the fact that co-accused of the petitioner have been enlarged on bail and out of total 19 prosecution witnesses, only 01 prosecution witness has been examined so far and furthermore, as per custody certificate, the petitioner is not involved in any other case; and conclusion of trial will take a long time, therefore, the present petition is allowed. The petitioner is ordered to be admitted to bail during the pendency of trial, on his furnishing bail bond and surety to the satisfaction of the trial Court.

7. It is, however, made clear that the petitioner shall not influence the trial in any manner, directly or indirectly.

8. The observations made herein-above shall not be construed as an expression of opinion on the merits of the case.

August 22, 2023
sumit.k

(VIKAS SURI)
JUDGE

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