

CRM-M-46626-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46626-2023

Date of Decision: 24.11.2023

RAJAN @ RAJA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.78 dated 11.05.2022 registered under Sections 302, 380, 452, 201, 34 IPC (Section 201 IPC added later on) at Police Station Dinanagar, District Gurdaspur, Punjab.

2. The present FIR came to be registered at the instance of Rajni Bala wife of Gurwinder Singh who stated that her younger sister Pooja Bala had informed her that their relative Rahul Kumar @ Shanty had been harassing her ever since he came out of Jail. Along with Rahul Kumar alias Shanty, his relative Rajan @ Raja (petitioner) son of Yashpal Raj had also threatened her that if her (complainant's) sister Pooja Bala did not marry Rahul Kumar @ Shanty then they would kill her. On 10.05.2022 when she (complainant) called her sister Pooja Bala the phone was found to be switched off. Later on, when the relatives went to check on the whereabouts of Pooja Bala, she was found lying dead on the bed and there were blue scars

on her neck, hands and feet. She (complainant) was sure that her sister had been murdered by Rahul @ Shanty and Rajan @ Raja.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case on account of being a relative of the main accused Rahul alias Shanty. Taking the prosecution case to be correct, Rahul Kumar @ Shanty wanted to marry Pooja and committed the offence in question as Pooja had declined the said offer. Therefore, the motive if any did not lie with the petitioner. The disclosure statement of Rahul Kumar @ Shanty had been recorded wherein he admitted that the offence had been committed by him alone and the petitioner had been standing outside the house when he had entered the house of the deceased. All the recoveries had been effected from Rahul Kumar @ Shanty. As the petitioner was a first-time offender, in custody since 11.05.2022 and only 06 of the 25 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, the petitioner was entitled to the concession of bail.

4. A short reply dated 23.11.2023 by way of an affidavit of Baljit Singh, PPS, Deputy Superintendent of Police, PBI-cum-Dinanagar, District Gurdaspur has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. While referring to the reply, he contends that the nature of the allegations have been levelled against the petitioner and his co-accused did not entitle him to the grant of bail. He, however, concedes that the recovery of a mobile phone and ATM card belonging to the deceased was effected from Rahul Kumar @ Shanty and as per the prosecution case, it was Rahul Kumar @ Shanty who had entered the house of the deceased. He

also concedes that the petitioner was a first-time offender, in custody since 11.05.2022 and that only 06 of the 25 prosecution witnesses had been examined so far.

- 5. I have heard the learned counsel for the parties.
- 6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is stated to be a first-time offender, in custody since 11.05.2022 and only 06 of the 25 prosecution witnesses have been examined so far. Therefore, the trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required.
- 7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rajan @ Raja son of Yashpal Raj is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.
- 8. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
- 9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

24.11.2023

JITESH

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