

223

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

CRM-M-52800-2022
Date of Decision: 07.11.2023

Sonu and another Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Vinod Kumar, Advocate,
for the petitioners.

Mr. H.S. 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 case bearing FIR No.110, dated 20.05.2020, under Sections 302, 120-B/201 IPC (Section 201 IPC was added later on), registered at Police Station Ajanala, District Amritsar.

2. It has been submitted by learned counsel for the petitioners that both the petitioners are in custody for 2 years 2 months and 17 days and till date only one witness has been examined and that also partly because after his examination-in-chief, an application under Section 319 Cr.P.C. was moved. He further submitted that in the present case the allegations were against four persons but two persons were exonerated by the police and thereafter, they have been summoned under Section 319 Cr.P.C., against which, they had filed a petition before this Court as well. He submitted that considering the custody

of the petitioners, they may be considered for the grant of regular bail. He further submitted that the other two co-accused, who were earlier exonerated by the police were later on summoned by the police, have been granted interim bail.

3. On the other hand, Mr. H.S. Sitta, learned DAG, Punjab submitted that the petitioners do not deserve the concession of regular bail even if the custody of the petitioners is 2 years 2 months and 17 days especially on the ground that there are direct attributions qua both the petitioners in the present case. He further submitted that as per the allegations, both the present petitioners and the other co-accused had killed one Mor Singh by way of strangulation by a pillow and there is an eye-witness of the same, namely, Jagir Singh, who has been partly examined and his remaining cross-examination was deferred because the application under Section 319 Cr.P.C. was filed and there is a likelihood that in case both the petitioners are released on bail then they may not only abscond or flee from justice but may also influence the witness, who is the eye-witness. He also submitted that as per his examination-in-chief, petitioner No.2 was holding the deceased from his arms and petitioner No.1 was obstructing his airways by a pillow and consequently, both the petitioners do not deserve the concession of regular bail.

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

5. Although, the custody of the petitioners is 2 years 2 months and 17 days but there are direct allegations against both the petitioners with regard to holding of the arms of the deceased by petitioner No.2 and obstructing of the airways by a pillow pertaining to petitioner No.1. The eye-witness, namely, Jagir Singh has been examined-in-chief only and thereafter, the prosecution

moved an application under Section 319 Cr.P.C. and thereafter, his cross-examination has not been conducted as of date. The apprehension as expressed by the learned State counsel cannot be ignored and carries weight. Therefore, considering the gravity of the offence and the nature of allegations levelled against both the petitioners, this Court does not deem it fit and proper to grant regular bail to the petitioner.

6. Consequently, finding no merit in the present petition and the same is hereby dismissed.

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

07.11.2023
Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned	Yes/No
2. Whether reportable:	Yes/No