

2023:PHHC:131697

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

210

CRM-M-55450-2022

Date of decision : 10.10.2023

Neeraj Kumar @ Neetu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.141 dated 27.11.2019, registered for the offences punishable under Sections 307, 324 and 34 of IPC, 1860 (Sections 302 of IPC, 1860 added later on) at Police Station Division No.2, Pathankot.
2. Status report has been filed. The same is taken on record.
4. Counsel for the petitioner relies upon order dated 09.08.2022 passed in CRM-M-46689-2021, whereby co-accused Pankaj Kumar @ Pintu stands admitted to bail observing as under:-

“CRM-28202-2022

This application is for placing on record
Annexure P-8.

Heard. For the reasons stated in the
application, the same is allowed and Annexure P-8
is taken on record, subject to all just exceptions.

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Main case

The petitioner is seeking regular bail in FIR No.141 dated 27.11.2019 under Sections 307, 324, 34 IPC (Section 302 IPC added later on), registered at Police Station Division No.2, District Pathankot.

Learned counsel for the petitioner contends that there is a delay for over 24 hours in registering the FIR although the occurrence is stated to have taken place within Pathankot City. The allegations are against the petitioner and his two brothers. No specific injury is attributed to the petitioner and it is alleged that they had given several blows with datars to the deceased, who had expired after four days of his admission to the hospital due to excessive bleeding. The petitioner is in custody for over two years and seven months and is not involved in any other case. The petitioner is a poor auto rickshaw driver and has to look after his aged parents, wife and a minor child who was born when the petitioner was in custody. The petitioner had earlier been granted interim bail to meet his new born baby and had promptly surrendered at its expiry. He also submits that the Doctor who was examined as PW-3 had also stated that it is possible that these injuries could have been caused due to a road accident. Co-accused, namely, Munish Kumar @ Babbar @ Manu has been granted regular bail by this Court in CRM-M-21692 of 2021 on 26.07.2021.

Learned State counsel, upon instructions from ASI Devinder Singh states that 06 out of 21 prosecution witnesses have been examined. She has filed custody certificate dated 09.08.2022 in Court, which indicates that the petitioner is in custody for

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02 years, 07 months and five days. She also submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

Heard.

In view of the above especially when the petitioner is in custody for over two years and seven months, he is not involved in any other criminal case, the Covid-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

Pending application, if any, shall also stand disposed of accordingly.”

5. It has been further contended that the trial has proceeded considerably and the material witness i.e. the complainant-mother of the deceased already stands examined, the custody of the petitioner cannot be allowed to be prolonged as a punitive measure.

6. The aforesaid facts are not disputed by counsel representing the State.

7. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner and by granting him parity alongwith co-accused Pankaj Kumar @ Pintu who is facing almost similar allegations, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety

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bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

8. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

10.10.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No