

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.222

CRM-M-55627-2022

Date of decision : 12.05.2023

Vinay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms.Monita Mehta, Advocate, for the petitioner.

Mr.Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

1. In compliance with the order of this Court dated 11.05.2023, Mr.Sartaj Singh Chahal, SSP, Hoshiarpur, has appeared in person to assist the Court.

2. Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks regular bail in FIR No.107 dated 08.07.2019 registered under Sections 302, 34, 120-B, 482 IPC and Sections 25, 54 and 59 of the Arms Act, 1959 at Police Station Garhshankar, District Hoshiarpur.

3. The petitioner, alongwith his co-accused, is being prosecuted for having murdered Vishal Rana.

4. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case; he was not named in the FIR; initially the complainant had got recorded his statement that it was one Rampal who had murdered his son- Vishal Rana; after Rampal was arrested the complainant changed his statement to say that it was not Rampal but Deepak Kumar who had murdered his son; after arrest of Deepak Kumar the complainant again changed his stand to say that it was Sandeep Kumar @ Balachauria who had murdered his son; in view of the afore repeated changes in the complainant's statements his version is unreliable; similarly placed co-accused-Sandeep @ Sandy, who had earlier approached this Court through CRM-M-37118-2022-Sandeep Kumar @ Sandy vs. State of Punjab, has been granted regular bail by this Court; the petitioner is in custody since 29.02.2020; all material witnesses in the petitioner's trial have since been examined; the only

allegation against the petitioner is that he had done *reiki* of the area before the alleged murder of the deceased took place; there is no eye-witness account or forensic evidence to connect the petitioner with the crime he is alleged to have committed and that since 21 prosecution witnesses still remain to be examined in the petitioner’s trial, the same shall take a long time to conclude.

5. Learned State counsel opposes the petition.

6. Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

7. The unexplained repeated changes in the stand of the complainant shall be debated during the course of the petitioner’s trial. Nonetheless, the petitioner is in custody for the last 03 years, 02 months and 08 days; similarly placed co-accused- Sandeep @ Sandy has already been granted regular bail by this Court; all material witnesses in the petitioner’s trial have since been examined; *qua* the petitioner there is no forensic evidence collected by the State and that since 21 prosecution witnesses still remain to be examined in the petitioner’s trial, the same is likely to take a long time to conclude.

8. In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioner is directed to be released on bail.

9. It is clarified that the above observations have been made only for the limited purpose of deciding the present petition and the same would not be construed to be an expression of opinion on the merits of the case.

12.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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