

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(220) CRM-M-58462-2022  
Date of decision:- 28.08.2023

Shashi Kumar @ Ravi Kumar @ Murgi ... Petitioner  
Versus  
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Viren Jain, Advocate and  
Mr. Anil Kumar, Advocate  
for the petitioner.  
  
Mr. A.P.S.Tung, DAG, Punjab.  
for State-respondent.

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SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 439 Cr.P.C. seeking grant of post-arrest bail in:-

| FIR No. | Dated      | Police Station                                      | Sections        |
|---------|------------|-----------------------------------------------------|-----------------|
| 142     | 24.07.2020 | Sahnewal, District Police Commissionerate, Ludhiana | 302 and 34, IPC |

2. Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of Anu Devi stating that her husband left the matrimonial home at about 7:30 P.M. on 20.07.2020 and did not return.

Next day, her husband was seen lying in an injured state on the road. He informed her that he had a quarrel with Gopi, an old friend. Initially, he was treated by a private doctor, but when his health deteriorated, he was taken to a hospital where he unfortunately succumbed to his injuries.

3. Counsel for the petitioner contends that the petitioner has been falsely implicated and has not been named in the FIR. He submits that it is in her supplementary statement, which has been recorded subsequently, that the complainant has accused the petitioner also, which is an after thought. He asserts that the petitioner, who has clean antecedents and is in custody since 31.07.2020, deserves to be enlarged on bail.

4. State counsel has filed status report by way of an affidavit of Assistant Commissioner of Police, Ludhiana (South), which is taken on record and by referring to it, he submits that the death has occurred due to the injuries inflicted on the deceased. He submits that the prosecution possesses sufficient incriminating material to show that the petitioner along with the co-accused, Gopi, is responsible for the fatal injuries of the deceased. As per his instructions, complainant has been examined as PW-1 and she has supported the case of the prosecution. Still further, he submits that four out of fifteen prosecution witnesses have been examined. He has filed Custody Certificate dated 26.08.2023, which is taken on record.

5. Having heard counsel for the parties and considering their respective submissions, but without advertng to the merits and demerits addressed, this Court is prima facie of the view that the petitioner deserves to be enlarged on bail. The alleged complicity of the petitioner in the crime

would remain a subject matter of debate before the trial Court. Petitioner has been in custody for the last more than thirty six months and the trial is at an initial stage are additional factors, which have weighed with this Court, in accepting the prayer made in the petition.

6.           Petition is allowed.
7.           Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.
8.           It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)  
JUDGE

28.08.2023

Kamal

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |