

Neutral Citation No.2023:PHHC:165474

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-56639 of 2023 (O&M)

Date of decision : 22.12.2023

...

Vakil Ram

.....Petitioner

vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

Mr. Digvijay Nagpal, Assistant Advocate General,
Punjab, for the respondent/State

Mr. C.S. Jattana, Advocate for the complainant

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MANJARI NEHRU KAUL, J. (ORAL)

This petition has been filed by the petitioner under Section 439 Cr.P.C., seeking grant of regular bail in case FIR No.0089 dated 19.7.2023 under Sections 304, 427, 201, 511 of the Indian Penal Code, registered at Police Station Sangat, District Bathinda.

2. As per the allegations levelled, the deceased met with an accident with the tractor of petitioner and the co-accused. Thereafter, the petitioner alongwith the co-accused, lifted the injured for taking him to the hospital. However, on the way he succumbed to his injuries. The petitioner and the co-accused then threw the dead

body of the deceased in a pit on the way.

3. Learned counsel for the petitioner, inter alia contends that the petitioner, who has clean antecedents, has been in custody since 25.7.2023, in an apparent case of false implication. Learned counsel, while drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, has submitted that the father of the deceased, while lodging the FIR did not level allegations against any person, much less, the petitioner, qua the death of his son; it was 6 days later, the complainant made a supplementary statement, wherein for the first time, he stated that he had come to know “from his own sources”, that two clean shaven persons i.e. the petitioner and co-accused Gurnam Ram, had been seen by one Kaushal Kumar, taking his son to the hospital, after he had got injured in an accident, however, since the deceased had died on way to the hospital, his dead body was thrown by them on the roadside. Learned counsel submits that the statement of said Kaushal Kumar, is highly suspect, as even though he was shown to be present when the accident in question occurred, however, he chose to keep mum and it was after 6 days, he implicated the petitioner in the occurrence in question. Learned counsel, thus submits that in the facts and circumstances, since the investigation in the case in hand is complete and charges also stand framed, further incarceration of the petitioner in the case in hand, would serve no useful purpose, as the trial would take considerable time to conclude.

4. Per contra, learned State counsel, assisted by learned counsel for the complainant, while opposing the prayer and

submissions made by the counsel opposite, has submitted that no doubt the petitioner was not initially suspected in the murder of the deceased, however, subsequently, his name surfaced during investigation when one Kaushal Kumar, who had witnessed the petitioner, as well as the co-accused going on the motorcycle with the deceased in an injured condition. It has also been submitted that the motorcycle on which the deceased was carried by both the accused, had also been recovered from the possession of the petitioner. Learned State counsel, however, has not controverted that the petitioner has clean antecedents and the investigation in the case in hand is complete, as even charges stand framed.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances, as enumerated hereinabove, since the charges stand framed and none of the 16 prosecution witnesses have been examined, this Court deems it fit to extend the concession of bail to the petitioner, as there can be no possibility of the trial concluding in the near future. Accordingly, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

22.12.2023
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Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No