IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.2291 of 2024
Date of Decision: 31.01.2024

ASHWANI KUMAR **.....Petitioner**

Vs

STATE OF PUNJAB **....Respondent**

CORAM: ***HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Akash Manocha, Advocate and
Mr. Hitesh Verma, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, Asstt. A.G., Punjab.

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HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.115 dated 04.08.2021 registered under Sections 302 and 34 IPC at Police Station Verka, Police Commissionerate Amritsar, Amritsar, Punjab.

2. Learned counsel for the petitioner submits that the petitioner has been implicated against the alleged murder of deceased Jagtar Singh by strangulating him with the help of co-accused namely Shelly and Ravi Kumar.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel while submitting that the petitioner played active role in the murder of deceased Jagtar Singh having strangulated him by tying a rope around his neck.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

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5. In the present case, the investigating already stands concluded with the filing of challan followed by framing of charges way back on 17.08.2023. However, so far only 01 prosecution witness has been examined; petitioner is behind the bars for a period of almost 01 year 09 months and 18 days; there is no case of similar nature pending against the petitioner except one FIR under the provisions of Punjab Excise Act, 1914. The trial is thus, likely to take sometime; moreover two other co-accused namely Ravi Kumar and Shelly have already been granted concession of regular bail vide orders dated 14.03.2023 and 18.12.2023 passed in CRM-M No.5871 of 2023 and CRM-M No.18159 of 2023 respectively and there is no allegations from the side of prosecution that the co-accused, who happen to be the family members of the petitioner have ever extended any kind of threat to the complainant or created any kind of hindrance in the trial.

6. In view of aforesaid, I do not find any justification to extend the incarceration of the petitioner.

7. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

(HARKESH MANUJA)
JUDGE

January 31, 2024
Atik

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

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