

S. No.251

2024:PHHC:011744

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3223 of 2024

Date of Decision:29.01.2024

Pawan Kumar @ Pawani

.....Petitioner

Vs.

The State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. L.S. Lakhanpal, Advocate for the petitioner.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C., petitioner has prayed for grant of regular bail in case FIR No.120 dated 13.07.2018 registered under Sections 302/201/34/120-B IPC at Police Station Sadar Jalandhar, District Police Commissionerate Jalandhar.

At the outset, learned counsel for the petitioner submits that similarly placed co-accused Amarjit @ Amarjit Kualdhar has already been allowed regular bail by this Court vide order dated 08.01.2024 passed in CRM-M-14167 of 2023 (O&M) (Annexure P.3).

As per the FIR lodged on the statement of Kanwer Singh, on 12.07.2018 at about 3:00 p.m., his son Sukhjiti Singh @ Sucha (since deceased) went away from home. At about 06:30 p.m., complainant was sitting near water tank on Bhardwajan Road, when he noticed his son on the motorcycle of Amarjit Singh at the water tank. Said motorcycle was being driven by his son, whereas Amarjit Singh and Pawan Kumar @ Pawani (petitioner herein) were sitting behind. Sukhjiti Singh @ Sucha did not return. On 13.07.2018, dead body of said Sukhjiti Singh was found lying in the water tank with injury marks on his throat, right wrist and other parts of the body.

FIR was registered. Post-mortem of the deceased was got conducted. Amarjit and Pawan Kumar (petitioner) were arrested on 16.07.2018. They suffered disclosure statements to have committed the murder of Sukhjit Singh @ Sucha by inflicting Gandasa blow and that they had thrown the two Gandasas in the bushes near the canal. They also disclosed to have thrown the wallet of the deceased. On the basis of these disclosure statements, they got recovered the wallet of the deceased as well as the Gandasas used in the offences, which were seized vide separate parcels. The accused also got recovered motorcycle used in the crime besides the blood-stained clothes worn by them at the time of crime. After completion of investigation, final report under Section 173 Cr.P.C was filed before the trial Court to prosecute petitioner and co-accused Amarjit on 05.10.2018. Charges were framed on 12.11.2018.

Notice of motion.

Mr. Amit Rana, Sr. DAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel could not refute the afore-said contentions to the effect that case of the petitioner is on similar footing with that of co-accused Amarjit alias Amarjit Kualdhar.

Custody certificate placed on record by learned State Counsel reveals that petitioner is in custody for the last 05 years 06 months and 10 days. He is also involved in one more case pertaining to the offence under Sections 326/324/120-B/148/149 IPC.

Learned State Counsel also informs that out of 35 witnesses cited by the prosecution, only 08 have been examined till date.

Having regard to all the afore-said facts and circumstances; the long incarceration of the petitioner and also on the basis of parity, but without commenting anything on the merits of the case, present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

January 29, 2024

(DEEPAK GUPTA)

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JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No