

2024:PHHC:011584

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M-3512-2024
Date of Decision: 29.01.2024**

Anil Kumar

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. M. S. Bajwa, DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.522 dated 31.10.2023 (Annexure P-1) registered under Sections 306 and 34 IPC, 1860 (offence under Section 411 IPC, 1860 added later on) at Police Station Division No.7, Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner contends that even from the averments made in the FIR (Annexure P-1), no offence under Section 306 IPC is made out against the present petitioner. He further contends that Dinesh Kumar, since deceased was living with Jagpal Kaur, co-accused. Dinesh Kumar used to beat up Jagpal Kaur and he also used to create nuisance in the locality. The present petitioner, who was the neighbour of Dinesh Kumar, since deceased used to request him to live peacefully in the area and due to this Dinesh Kumar was inimical towards the present petitioner. Learned counsel for the petitioner further contends that even Dinesh Kumar, since deceased and Jagpal Kaur, co-accused had approached this Court by way of **CRWP-4016-2023** with a prayer to protect their life and liberty. The said petition was disposed off by this Court vide order dated 27.04.2023. He further contends that Dinesh Kumar, since

deceased was a drug addict and due to the addiction of drugs, he was suffering from a mental disorder. Learned counsel for the petitioner has placed reliance on the appointment card issued by Department of Psychaiatry Christian Medial College, Ludhiana (Annexure P-4) to contend that Dinesh Kumar, since deceased was under treatment for mental illness and due to the said reason, he had committed suicide. Learned counsel for the petitioner further contends that the petitioner was arrested in the present case on 31.10.2023 and he is in custody since then. He further contends that the final report under Section 173 Cr.P.C. has already been presented before the Competent Court.

3. On the other hand, Mr. M. S. Bajwa, DAG, Punjab has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

4. I have heard rival submissions made by learned counsel for the parties and perused the record.

5. The petitioner was arrested in the present case on 31.10.2023 and he is in custody for the last more than 03 months. Prior to the present case, the petitioner was not involved in any other criminal activity. Final report under Section 173 Cr.P.C. has already been presented against the present petitioner and his further custody will not serve any meaningful purpose.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

(N. S. SHEKHAWAT)

JUDGE

29.01.2024

M.Sikka

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No