

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-10886-2024
Date of Decision: 6.3.2024

Salman Ansari

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. F.S.Virk, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

Mr. Gurminder Singh Salana, Advocate,
for the complainant.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case GD No.28 dated 28.3.2021 under Sections 323, 294, 148, 149 IPC in FIR No.42 dated 28.3.2021 registered for the offences punishable under Sections 323, 324, 294, 148, 149, 326 IPC at Police Station Naya Gaon, District SAS Nagar.

2. As per allegations appearing in the FIR, at the time of occurrence, the petitioner, his father Jehrudeen Ansari, his wife and grandson started abusing and giving beatings to the parents of the complainant-Sandhya, on which, the complainant and her brother Jatinder tried to rescue their parents and thereafter, when the complainant and her family were returning back home, Jamila Khatoon hit the complainant with brick bat and when brother of the complainant tried to pacify the matter, the

petitioner, his father Jehrudeen Ansari, Subrati Ansari, Mehtab and one unknown person came there and attacked the family of the complainant and Subrati Ansari gave bat blows on head, arm and back of Raj Kumari mother of the complainant and when father and brother of the complainant tried to save her, then Subrati Ansari attacked father and brother of the complainant with bat. Salman Ansari (petitioner) gave brick blow to the mother of the complainant and then Salman Ansari gave brick blow to complainant Jehrudeen Ansari, his wife Jamila Khatoon and Mehtab gave kick blows in stomach and chest of complainant's mother while Subrati Ansari gave bat blows to her father. The injured were taken to the hospital and mother of the complainant was referred to PGIMER, Chandigarh where she died during treatment. During investigation, the petitioner was arrested.

3. Counsel for the petitioner submits that the petitioner is in custody for the last more than 2 years and 11 months and is not involved in any other case and that during the trial, material witnesses failed to support the case of the prosecution and copies of their depositions are available on record. He further submits that in the given circumstances, no purpose is going to be served by detaining the petitioner in custody for any longer period.

4. Present petition is resisted by the State counsel who submits that the petitioner and other accused persons murdered Raj Kumari mother of the complainant and that trial is going on. However, State counsel on instructions from ASI Rajinder Singh has not disputed that during trial, the complainant and other material witnesses are examined and copies of their depositions are available on record. State counsel has not disputed the fact that the petitioner is in custody for the last more than 2 years and 11 months.

5. Mr. G.S.Salana, Advocate has put in appearance on behalf of the complainant and has not disputed the fact that during trial, the complainant and other material witnesses were declared hostile and they failed to support the case of the prosecution.
6. I have considered the submissions made by the counsel for the parties.
7. In view of the fact that the complainant and other material witnesses are already examined and they were declared hostile and further, the petitioner is in custody for the last more than 2 years and 11 months and it will take considerable time for the trial to conclude, no purpose is going to be served by keeping the petitioner in custody for any further period.
8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

March 6, 2024
Paritosh Kumar

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