

CRR-796-2024 (O&M)

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226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-796-2024 (O&M)

Date of Decision : May 01, 2024

Pusham @ Tiddi

.....Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Umesh Aggarwal, Advocate for the petitioner

Mr. Harkanwar Jeet Singh, Asstt. Advocate General, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The present revision petition has been preferred against the order dated 03.04.2024 passed by the Additional Sessions Judge, Amritsar whereby the order dated 27.03.2023 (*date of impugned order wrongly mentioned as 27.03.2022*) passed by the Principal Magistrate Juvenile Justice Board, Amritsar dismissing the bail application of the petitioner has been upheld.

2. The present FIR came to be registered at the instance of Ravinder Kumar who stated that his injured son-Rahul who subsequently died on account of injuries sustained by him had disclosed to him that a number of accused including the present petitioner had brutally assaulted him (deceased-Rahul).

3. The learned counsel for the petitioner contends that the statement of the complainant-Ravinder Kumar, his wife-Geeta and an

eye witness-Sanjeev Kumar had been recorded as PW-1, PW-2 and PW-3 respectively and none of them had supported the prosecution case. As the petitioner-Pusham @ Tiddi was in custody since 09.12.2021 and only 07 material witnesses out of the 39 cited in the list of witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, the petitioner was entitled to the concession of bail, more so when his co-accused had been granted the similar concession.

4. The learned counsel for the State, on the other hand, contends that the offence stood established from the statement of the deceased-Rahul made to his father-Ravinder Kumar (complainant/PW1). Therefore, the petitioner was not entitled to the grant of bail. He, however, concedes that the statements of all the three material witnesses, namely, PW-1/Ravinder Kumar (complainant), Geeta-PW-2 (mother of the deceased-Rahul) and PW-3/Sanjeev Kumar (a purported eye-witness) had been recorded and none of them had supported the prosecution case.

5. I have heard the learned counsel for the parties.

6. Admittedly, all the three material witnesses have been examined and none of them have supported the prosecution case. Whether the other evidence available on record is sufficient to affix liability upon the petitioner shall be adjudicated upon during the course of the trial. The petitioner is in custody since 09.12.2021 and as many

as 32 prosecution witnesses are yet to be examined. Therefore, the trial of the present case is not likely to be concluded anytime soon. In the present factual scenario, the further incarceration of the petitioner is not required, more so when his co-accused have been granted bail.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and petitioner-Pusham @ Tiddi son of Taini is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case(s)/crime(s) other than those referred to in this order.

9. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

10. The petition stands disposed of.

May 01, 2024
satish

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO