



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

245

CRM-M-23019-2024
Date of decision: May 13th, 2024

Prem Shankar
.....Petitioner

Versus

State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Kumar Sammi, Advocate
for the petitioner.

Mr. Amit Rana, Senior Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.142 dated 15.08.2021 under Section 302 of the IPC registered at Police Station Shahkot, District Jalandhar Rural.

2. Learned counsel for the petitioner submits that the petitioner had no motive to commit the murder in question of his brother-in-law and it was evidently a case of false implication. He submits that the petitioner being falsely implicated in the present case finds due credence from the fact that PW-7 Sahib Singh, who allegedly witnessed the occurrence in question, had not even supported the case of the prosecution, as a result of which he was declared hostile during trial. Learned counsel submits that in the circumstances, the petitioner deserved to be enlarged on bail as there was no likelihood of the trial concluding in the near future, more so since 12 prosecution witnesses still remained to be examined.

3. *Per contra*, learned State counsel while drawing the

attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, has submitted that it is a case based on eyewitness account, which fact has got corroborated from the testimony of complainant-Mor Kali, who was none other than the wife of the deceased and had also rushed her husband to the hospital soon after the alleged occurrence; thus, it being an eyewitness account, the presence or absence of any motive pales into insignificance. Learned State counsel, on further instructions from ASI Balveer Chand, has informed the Court that the most material witness in the case in hand is the complainant, who was present alongside the deceased at the relevant time, and while stepping into the witness box, she had stood her ground and supported the case of the prosecution in its entirety. Learned State counsel has submitted that in the circumstances, even if one of the eyewitnesses i.e. PW-7 Sahib Singh had turned turtle, it would not come to the rescue of the petitioner.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The instant case is based on eyewitness account. The deceased and the petitioner were both selling '*chole kulche*' near a stadium on their '*rehris*'; allegedly, the '*rehri*' of the deceased was attracting more customers and the petitioner feeling offended, attacked the deceased on his head repeatedly with a hot iron *tawa*, which proved fatal. The medical evidence *prima facie* corroborates the ocular testimony of the complainant.

6. In the facts and circumstances as enumerated hereinabove, this Court is not inclined to extend the concession of bail to the petitioner.

7. The instant petition stands dismissed.
8. However, the trial Court is directed to make earnest efforts to expedite the trial as the petitioner has now been in custody since 16.08.2021.
9. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 13th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No