

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.23481 of 2024
Date of decision: 20th May, 2024

Shivam Kalia

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Rajiv Joshi, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.186 dated 31.12.2021 under Sections 307, 323, 324, 341, 34 IPC (Section 302 IPC added later on) registered at Police Station Division No.7, District Jalandhar.
2. Learned counsel for the petitioner submits that the FIR in question was lodged at the instance of the son of the deceased, who allegedly was an eye-witness to the crime in question. Learned counsel submits that when the deceased was removed to the hospital by his son, it had been noticed in the OPD slip that it was a case of road-side accident, as told to them by the person accompanying the deceased i.e. his son. Even as per the deposition of PW-4 Dr.Indreet Kaur, the initial version given by the son of the deceased was reiterated by her during her testimony before the trial Court. Learned counsel further submits that, however later on, a twisted version was given by the complainant that his father had been done to death by the petitioner along with co-



accused who were stated to be armed with iron rods and Dataras. Learned counsel has thus, asserted that in view of the glaring and material contradictions between the initial version brought forth by the complainant and the subsequent statement made by him while lodging the FIR in question, it left no manner of doubt that a totally false and fabricated case had been planted upon him, more so when the injuries on the deceased also indicated that they could not have been sustained with dandas and iron rods.

3. It has also been submitted that the petitioner has now been in custody since 10.09.2022 and till date, only 9 prosecution witnesses out of the 25 cited have been examined, hence possibility of the trial concluding in the near future looks remote. It has further been brought to the notice of this Court that that identically placed co-accused Rajat alias Rakshak had been extended the concession of bail by this Court vide order dated 01.05.2024.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Nirmal Singh Bhatti, has not been able to dispute the initial statement made by the son of the deceased, when the latter was admitted in the hospital. It has also not been disputed that PW-4 Dr. Indreet Kaur had also corroborated the factum of the deceased having been brought by his son as a case of road side accident. However, learned State counsel has drawn the attention of this Court to the allegations levelled against the petitioner of inflicting injuries with iron rod on the person of the deceased. Learned State counsel, on further instructions, has also not been able to dispute the stage of the trial.



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

6. It has not been disputed by the learned State counsel on instructions that when the deceased was admitted in SGL Hospital soon after the occurrence in question, it had been categorically told to the doctors that it was a case of road-side accident, however later on, the complainant got the FIR in question registered, wherein he levelled allegations of the deceased being done to death with rods and Datars. This Court would refrain from commenting upon the discrepancies which have been brought to the notice of the Court by the learned counsel for the petitioner. It would be best left to the trial Court to appreciate the same when the evidence is led during trial. There is no likelihood of the trial concluding in the near future as 16 prosecution witnesses still remain to be examined. Hence, in the facts and circumstances as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 20, 2024
rps

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