



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-26786-2024
Date of decision: 20.08.2024

DARA RAM ALIAS DARA
Versus
....Petitioner

STATE OF PUNJAB
...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Dhiraj Jindal, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.97 dated 23.12.2022, under Sections 307 and 34 of IPC, (Section 302 of IPC, added later on), registered at Police Station Khanuari, District Sangrur.
2. Reply by way of affidavit dated 17.08.2024, of Sh. Parminder Singh, PPS, Deputy Superintendent of Police, Sub Division, Moonak has been filed on behalf of respondent-State. The same is taken on record. Copy of the same has been supplied to the opposite counsel.
3. The instant FIR has been registered on the statement of one Kavita, wife of Deepi, the relevant extract of the said statement, reads as under:-

Statement "Declaration of Kavita wife of Deepi resident of Ghanor near Patiala, age 28 years, Phone Number 97810-25499 stated that I am a resident of the said address, doing domestic work, I got married about 13 years ago with Deepi resident of Ghanor ward no. 10,



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District Patiala, I have three daughters, my husband Deepi has kept Pooja daughter of Darbara resident of Khanauri Ward No. 12 with him for about 5 years, because of which my husband beats me. My uncle Om Prakash lives in Khanauri, Ward No. 12 with his family, Deepi used to get a call from Pooja, so my husband Deepi beats me and after giving beatings again go to Pooja, about 3 months ago, my aunt Jeeto brings me to Khanauri from Ghanor, Pooja also live in Khanauri village. Yesterday on 21.12.2022, I was going to bring medicine for my 5-year-old daughter. Pooja's house is very close to our house, Pooja ran with my husband two days ago. Pooja's sister Kajal invited me into her house. Around 10:00 o'clock in daytime, Pooja's father Dalbara Nath threw petrol on me, Darbara Nath's wife Prakasho threw a matchstick on me, Dalbara Nath lit a fire and pushed me, Pooja's uncle Dara was also there with them. Then they put me in the car to throw me in the river, my daughter Suhana cried, my family members, my aunt Jeeto and uncle Om Prakash and my sister Asha saved me, then my uncle Om Prakash, aunt Jeeto and Sister Asha admitted me to the Government Hospital Moonak, then the doctor referred me to Rajindra Hospital, Patiala, then my above said family members admitted me to Rajindra Hospital, Patiala, then doctor referred me to PGI Chandigarh for treatment, then my family members admitted me to PGI Chandigarh last night, where my treatment is going on, the reason is that Dalbara Nath's daughter Pooja lives with my husband, I prevent my husband Deepi from doing so, that's why Dalbara Nath Prakasho, Kajal, Dara has burnt me with petrol.

4. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) There is no role attributed against the present petitioner, except the fact that he was present at the spot along with the main accused;



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- (ii) The final report under Section 173 Cr.P.C., had already been filed;***
- (iii) Petitioner has suffered incarceration of more than 01 year, and 07 months, as on today;***
- (iv) The petitioner is not involved in any other criminal case;***
- (v) Out of the total 23 prosecution witnesses cited in the final report, only 04 witnesses have been examined till date.***
- (vi) Three material witnesses, as cited by the prosecution in the final report, have turned hostile.***

5. Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificate *qua* the petitioner, as issued by the Superintendent of District Jail Sangrur. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 01 year, 07 months and 19 days, as on today. A perusal of the custody certificate further reveals that the petitioner is not involved in any other criminal case. Learned State counsel on instructions, imparted to him by ASI Gurmail Ram, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed. Learned State counsel further submits that out of the total 23 prosecution witnesses cited in the final report, only 04 prosecution witnesses have been examined till date.

6. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.



7. The reason for forming the above inference emanates from the factum that:- (i) No specific role is attributed to the present petitioner in the instant case; (ii) The petitioner has suffered incarceration of 01 year, 07 months and 19 days, as on today; (iii) Out of the total 23 prosecution witnesses cited in the final report, only 04 witnesses have been examined till date; (iv) The final report under Section 173 Cr.P.C had already been filed; (v) No fruitful purpose would be served by keeping the petitioner behind the bars; (vi) Trial is not likely to conclude anytime soon.
8. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
9. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
10. All pending application(s) stand **disposed** of accordingly.

20.08.2024
amandeep

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No