

CRM-M-39861-2023

Date of Decision: 25.01.2024

Gourav @ Paras

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Gurpal Singh Sandhu, Advocate with
Ms. Ramandeep Kaur, Advocate, for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.177 dated 26.10.2020 registered under Sections 302, 458, 506, 148, 149, 120-B of IPC, at Police Station City Jalalabad, District Fazilka.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been arrayed as an accused on the basis of the disclosure statements made by his co-accused. Learned counsel further contends that even no motive has been attributed to the present petitioner and he had no enmity with the deceased. However, he was falsely involved in the present case only on the basis of the suspicion and there was no legally admissible evidence against him. Learned counsel further contends that PW-1 Manjit Kaur, mother of the deceased/complainant and PW-2 Paramjit Kaur, eye witness in the present case, have not supported the case of the prosecution and

have turned hostile. She further contends that the material witnesses have already been examined and the petitioner is not in a position to influence the prosecution evidence in any manner. The petitioner was arrested in the present case on 03.11.2020 and is in custody for the last about 3 years and 2 months. She further contends that the petitioner is the first offender and was not involved in any other criminal activity.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime and does not deserve the concession of bail by this Court.

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

5. In the present case, Manjit Kaur, complainant was examined as PW-1, whereas Paramjit Kaur, eye witness was examined as PW-2 and both the witnesses have not supported the case of the prosecution. Even otherwise, the petitioner was arrayed as an accused with the aid of Section 120-B of IPC and is in custody for the last about 3 years and 02 months. No other criminal case was registered against the present petitioner in the past and has clean antecedents.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

25.01.2024

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(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No