

2212024:PHHC:024997

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49413-2023

Date of Decision: February 22, 2024

DIMPLE.....Petitioner

Versus

STATE OF PUNJAB.....Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. P.S. Ahluwalia, Advocate and
Mr. Deepinder Singh Virk, Advocate for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab

HARKESH MANUJA, J. (ORAL)

1. By way of present petition filed under Section 439 CrPC, prayer has been made for grant of regular bail in case FIR No. 154 dated 27.11.2021 registered under Section 302 of IPC (Sections 120-B and 201 of IPC added later on) at Police Station Bhadson, District Patiala wherein, the petitioner has been implicated against the allegations of having committed murder of deceased-Amarjit Kaur.
2. The prayer made herein has been vehemently opposed at the instance of learned State counsel while submitting that the involvement of the petitioner was prima facie established during investigation from the recovery of iron rod used by him in the incident. He further submits that both the material witnesses namely Harpreet Singh Gill-complainant (PW3) and his maternal uncle namely Bhupinder Singh (PW7) have reiterated the involvement of the petitioner in the incident and thus, he does not deserve the concession of bail.

3. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made on behalf of the petitioner.

4. In the present case, investigation stands concluded with the filing of challan followed by framing of charges and the petitioner is behind the bars for a period of almost 2 years and 2 months by now. The trial is likely to take some time as 19 out of total of 26 witnesses cited by prosecution are yet to be examined and the petitioner is not involved in any other case under the provisions of IPC. Moreover, from the investigation it can be found that no blood stains were found on the iron rod recovered from the petitioner besides the material non-explanation of presence of Paramjeet Singh i.e. taya of complainant-elder brother-in-law of the deceased being present in the house on the date of the incident though being there in the house, therefore in the totality of the aforesaid facts and circumstances and also when, no apprehension has been expressed by the prosecution about any kind of threat being extended to the witnesses, this Court does not find justification to extend the incarceration of the petitioner, any further.

5. In view of the above, without commenting anything on the merits, lest it may prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate.

22.02.2024
Tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

