

210 IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51368-2023 (O&M)
Date of Decision: 16.02.2024

Akshay Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Dixit Garg, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 439 of Code of Criminal Procedure, 1973 seeking bail pending trial in FIR No.143 dated 01.07.2022 registered under Section 302 IPC, at Police Station, Focal Point, District Police Commissionerate Ludhiana.

2. The FIR in question was registered on the statement of Mira Devi wife of Ram Lakhan alleging that on 30.06.2022 at about 8.00 pm, she was present in her house. On hearing hue and cry, she came outside and saw that her son Gunjan Kumar was lying on floor and the crowd had caught Akshay Kumar (petitioner) who held knife in his hand. Upon inquiry, she came to know that her son had a small quarrel with petitioner on account of which petitioner attacked her son with knife and caused him various injuries. She took her son to Fortis Hospital, Ludhiana where doctors declared him 'brought dead'.

3. Learned counsel contends that petitioner is in custody since 01.07.2022 and there is no progress in the trial. Also contends that petitioner has been falsely implicated in the present case.

4. *Per contra*, learned State while opposing the prayer, submitted that petitioner was caught on the spot by the crowd and the weapon of offence (knife) was recovered from him and now FSL dated 23.09.2022 has been received which confirms the DNA profile obtained from bloodstains on the knife and that of the deceased.

5. Heard learned counsel for the parties and perused the paper-book.

6. There is no quarrel that petitioner was apprehended on the spot and as per allegations of the prosecution, knife was recovered from him. Since FSL report, which is *per se* admissible under Section 293 Cr.P.C, confirms the matching of bloodstains on the knife and that of the deceased; thus, *prima facie*, complicity of the petitioner cannot be ruled out.

7. In view of the above, this Court is not inclined to grant bail pending trial to the petitioner, at this stage.

8. Consequently, there is no option, except to dismiss the petition.

9. Ordered accordingly.

10. The above observations be not construed as an expression of opinion on the merits of the case in any manner.

11. Pending application(s), if any, shall also stand disposed off.

16.02.2024

SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No