

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

103+219

CRM-M-58460-2023 (O&M)
Date of decision: 09.02.2024

Ram Murti

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Varinder Singh Rana, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

CRM-4402-2024

For the reasons mentioned in the application, the same is allowed and copies of statements of PW1, PW2 and PW3 are taken on record as Annexures P-8 to P-10 respectively, subject to all just exceptions.

CRM-M-58460-2023

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.57 dated 14.07.2023 under Sections 302, 120-B of the IPC registered at Police Station Chamkaur Sahib, District Rupnagar.

2. Learned counsel for the petitioner inter alia contends that a perusal of the FIR which has been annexed as Annexure P-1, leaves no manner of doubt that other than being named in the FIR, no allegations qua maltreatment or even having ever assaulted the deceased had been levelled against the petitioner by the complainant (father of the

deceased). Learned counsel has also drawn the attention of this Court to the deposition of the complainant annexed as Annexure P-8, wherein yet again no allegations much less by way of a whisper had been levelled against the petitioner of having ever ill-treated his deceased daughter in law or ever having assaulted her any time prior to the alleged murder. Learned counsel has submitted that the petitioner, who is a 70 year old man, has been in custody since 14.07.2023 and the sole material witness in the case in hand i.e. the complainant already stands examined.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Sohan Lal, has not been able to controvert that prior to the registration of the FIR in question, no complaint was ever made against the petitioner; he has also not been able to dispute the contents of the FIR wherein also no allegations have been levelled against the petitioner of having ever ill-treated his deceased daughter in law or having ever assaulted or abetted the assault upon her by the co-accused i.e. his son. Learned State counsel has, on instructions, informed the Court that the complainant, who is the sole material witness, stands examined, however, 16 prosecution witnesses still remain to be examined and the next date fixed before the Trial Court is 20.02.2024 when some more prosecution witnesses are likely to be examined.

4. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative.

5. I have heard learned counsel for the parties and perused the

6. The case in hand hinges on circumstantial evidence. The FIR is completely silent with respect to any motive qua the petitioner in the crime in question. The trial is unlikely to conclude in the near future. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

09.02.2024
Vinay

(MANJARI NEHRU KAUL)
JUDGE

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