

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239 CRM-M-58807 of 2023
Date of Decision: 18.01.2024

Pankush ...Petitioner
Versus
State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Naveen Kumar Mahajan, Advocate for the petitioner.
Mr. Mohit Chaudhary, AAG, 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 a regular bail in case FIR No.0321 dated 13.10.2022 registered under Section 304 IPC (Section 304 IPC later on replaced with Section 302 IPC and Section 34 IPC has been added) at Police Station B Division, District Police Commissionerate Amritsar.
2. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and after almost 17 days of the occurrence, i.e. 30.10.2022, Lalit Kumar, complainant made a statement, whereby, he had named present petitioner and other accused. Learned counsel further contends that even the complainant had submitted an affidavit stating that the present petitioner was not named in the present occurrence. Apart from that, the prosecution has already examined PW1 Lalit Kumar, PW2 Brij Mohan, PW3 Amanpreet Singh, PW4 Bhupinder Singh and PW5 Sunny Malhotra

and from the perusal of the said statements, it is evident that none of the witnesses had supported the case of the prosecution. He further contends that the petitioner was arrested in the present case on 10.04.2023 and is in custody for more than 08 months. He further contends that since the material witnesses have already been examined, the petitioner will not be in a position to influence the witnesses.

3. A short reply by way of an affidavit of the Assistant Commissioner of Police (East), Amritsar has been filed on behalf of the respondent-State and the same is taken on record.

4. Learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that there are serious allegations against the petitioner and the petitioner is not entitled for the concession of regular bail.

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

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned.

18.01.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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