



CRM-M-60344-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-60344-2023.
Date of Decision: 19.09.2024.

Avtar KrishanPetitioner.
Versus
State of PunjabRespondent.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Jasraj Singh, Advocate for the petitioner.
Mr. Adeshwar Singh Pannu, Assistant Advocate General, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.63 dated 01.05.2019 (Annexure P-1), under Sections 302, 341, 148 and 149 IPC (Section 201 IPC added lateron), registered at Police Station Garhshankar, District Hoshiarpur.

2. Learned counsel for the petitioner submits that although the petitioner is named in the FIR and alleged to have encircled the deceased, slapped him and given him fist blows but in the MLR, which was conducted on 01.05.2019, only one injury on the head of of the deceased had been reflected, which is attributed to co-accused Baljeet Singh @ Honey. The deceased had expired on the next day and the Postmortem report indicates bruises and abrasion on shoulder, back and right knee, but the cause of death is due to head injury, which is attributed to the co-accused. The petitioner is in custody for a period of 01 year and 03 months. Similarly situated co-accused

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namely Karan Kumar and Jatinder Kumar @ Jodha have been granted the concession of regular bail by Co-ordinate Bench of this Court, vide order dated 14.12.2020 passed in CRM-M-25094-2020 (Annexure P-4) and order dated 13.12.2021 passed in CRM-M-14272-2021 (Annexure P-5) respectively. The petitioner had been declared as a Proclaimed Offender, but co-accused Jatinder Kumar @ Jodha, who has been granted bail, had also been declared Proclaimed Offender and Co-ordinate Bench had imposed a condition to deposit Rs.1,00,000/- as surety.

3. Custody certificate filed by the learned State counsel is taken on record which indicates that the petitioner is in custody for 01 year and 03 months. Learned State counsel submits that in view of the serious allegations against the petitioner as having participated in the occurrence, he is not entitled to the concession of regular bail. He submits that although charges have been framed, but none out of the 32 prosecution witnesses has been examined.

4. Heard.

5. The allegations against the petitioner are that he is stated to have encircled the deceased, slapped him and given him fist blows. The petitioner was unarmed and the fatal injury on the deceased, which is stated to be caused with a *Khanda*, is not attributed to him. In the MLR, there is only one injury, which is attributed to the co-accused. Similarly situated co-accused have been granted the benefit of regular bail after they had been in custody for a period of about 01 year and 02/03 months. The petitioner is in custody for a period of 01 year and 03 months and the conclusion of the trial is likely to take some



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time, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Petitioner is granted the benefit of regular bail subject to depositing a sum of Rs.1,00,000/- with the trial Court. The amount shall be kept in FDR with a nationalized bank subject to outcome of the trial. In case, petitioner fails to appear before the trial Court, as and when required, the said amount shall be forfeited. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. The petition is allowed. It is clarified that the observations made hereinabove are only for determining the petition for regular bail and shall have no bearing on the merits of the case which would be determined the trial Court.

(ANUPINDER SINGH GREWAL)
JUDGE

19.09.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No