

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-63593-2023 (O&M)
Date of decision : 07.03.2024**

Raman Kumar @ Radhe Sham**..... Petitioner**

versus

State of Punjab**..... Respondent****CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

Present :- Mr. M.S. Chauhan, Advocate
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

Mr. Ruhani Chadha, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case F.I.R. No.16 dated 29.01.2023 registered under Sections 302/148/149/120-B IPC at Police Station Sadar, District Jalandhar.

2 As per contents of the FIR, it was alleged as under :-

“ Statement of Varinder Singh son of Hardev Singh resident of village Samrai PS Sadar Jalandhar aged about 33 years. It is stated that I am the resident of the above noted address and my family members are residing in foreign country. I am not married. I am living with my brother-in-law Ram Gopal son of Dev Raj resident of village Lakhanpal and I have the business of taxi driving. On dated 28.01.2023 there will be the time of about 9.00 in night when my brother-in-law Ram Gopal Sharma along with me, went for a walk after having dinner. When we reached near to the Gurudwara Sahib on left side of village Lakhanpal, I went to urinate in the vacant land on right side of the road. My brother-in- law Ram Gopal stopped at a little distance. In the meantime one innova car with black colour, in which 04 young persons were riding, three young persons came down from the vehicle, who had wooden logs in their hands. These persons

immediately coming down from the vehicle attacked my brother-in-law Ram Gopal. On hearing the sound of my brother-in-law I also rushed at the spot. On reaching there I seen that Lakha son of Bittu, Sanju son of Amarjit, Jeeta son of Satnam resident of village Lakhanpal were beating my brother-in-law with wooden logs and Sandhu friend of Lakhey was sitting the vehicle and I also raised an alarm at the site. On hearing my alarm people started gathering at the site. Upon that all the attacking persons fled away from the site in the vehicle. Raman Kumar @ Radhey Sham son of Doshandi Ram resident of village lakhanpal was standing at a little distance. He also fled away from the site. With the help of my nephew Vansh making the arrangement of vehicle I brought my brother-in-law Ram Gopal to Johal Hospital, Raman Mandi, where the doctor declared my brother-in-law Ram Gopal dead. Due to one old grudge these attacking persons have murdered my brother-in-law Ram Gopal with the incite of Raman Kumar @ Radhey Sham.”

3 Learned counsel for the petitioner while referring to the FIR submits that the complainant was explicit in naming Lakha S/o Bittu, Sanju S/o Amarjit, Jeeta S/o Satnam and Sandhu friend of Lakhey to be the 4 young persons who were riding Innova Car. However, at later point of time supplementary statement of Varinder Singh was recorded to the following effect :-

“It is stated that I am the resident of the above said address and now I am living with my sister Sittal wife of Ram Gopal resident of village Lakhanpal Police Station Sadar Jalandhar since the time about 7/8 years because all of my family members have left for foreign country. I hereby verify my statement which was tendered by me in earlier because at that I was nervous. At the time of occurrence of incident Binder son of Santokh Singh alias Bittu and Maney the sister of Binder wife of Sanju, Kamlesh wife of Jeeta resident of village Lakhanpal were sitting on the rear seats of vehicle Innova. With the concurrence of these all persons the murder of my brother-in-law Ram Gopal has taken place by causing injuries to him. Inderpal Singh son of Satnam Singh resident of village Lakhanpal Police Station Sadar has watched spot of incident through his eyes. Strict legal action may kindly be initiated against these all persons. I have got my statement recorded to you, which has been heard and is correct.”

4 Learned counsel for the petitioner submits that even if the allegations taken in the supplementary statement of complainant are also taken on their face value, the allegation *qua* the petitioner is only of standing at little distance at the time of occurrence. No overt act or injury has been attributed to the petitioner.

5 Custody certificate has been filed. The same is taken on record. The petitioner has been in custody since 13.07.2023. Learned counsel for the petitioner submits that the challan already stands presented. Investigation is complete.

6 Learned State counsel is not in a position to dispute the aforementioned factual assertions based on record.

7 I have heard learned counsel for the parties and have gone through the records of the case.

8 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

10 Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

07.03.2024
Dinesh

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable :	No