



226

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

CRM-M-10659-2024

Date of decision : 25.03.2025

Ram Lubhaya

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Narinder S. Lucky, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab assisted by
Insp. Sikander Singh.

Mr. Vipin Kumar, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Petitioner has approached this Court by way of filing the present third petition praying for grant of regular bail to him in case FIR No.88 dated 19.06.2021, under Sections 302, 342, 120-B, 148, 149 of IPC, registered at Police Station Mehatpur, District Jalandhar, Punjab.

2. Succinctly facts of the case are that the FIR was recorded on the statement of Anil son of Paramjit. It was alleged that on 18/19.06.2021, he, his mother, brother Ranjeet Singh @ Shiva (deceased) and sisters after having food had gone to sleep. At about 11:45 PM, they heard hue and cry from the house of their neighbour Ram Lubhaya (petitioner). They went on the roof and found that Mohanlal, Butte Shah, Jaspal all sons of Ram Lubhaya, Rajinder Kaur wife of Sohan Lal, Ram Lubhaya son of Fajju Ram, Chinda son of Resham and Manmeet son of Vijay Kumar were abusing. He and his mother came down from the roof



and saw that all of them were armed with sticks, iron rods and sharp-edged weapons and were giving beatings to his brother, namely, Ranjeet @ Shiva. They called the SHO and on seeing the SHO, the accused escaped from the place of occurrence. He shifted his brother Ranjeet @ Shiva who was in injured condition to the Civil Hospital, Nakodar where he was declared dead. Request was made to take legal action against the culprits. On registration of the FIR, investigation commenced. Petitioner was arrested on 15.09.2021. Thereafter, he approached the Court of learned Additional Sessions Judge, Jalandhar praying for grant of anticipatory bail. However, after hearing counsel for the parties, the same was declined vide order dated 10.01.2022. Thereafter, petitioner approached this Court twice by way of filing petitions bearing No.CRM-M-4032-2022 which was dismissed as withdrawn vide order dated 20.05.2022 and CRM-M-27996-2023 which was dismissed on merits vide order dated 03.07.2023. Hence, petitioner is before this Court by way of filing the present third petition.

3. Learned counsel for the petitioner has vehemently contended that petitioner has been falsely implicated in this case being father-in-law of Rajinder Kaur. He submits that the alleged motive for the murder of Ranjeet @ Shiva was that he had illicit relations with the daughter-in-law of the petitioner. He submits that the petitioner is living separately from his son. It is further submitted that after Ranjeet @ Shiva was declared dead, the whole family of the petitioner has been roped in the present case. He submits that the petitioner is about 70 years of age and has been implicated in this case on the basis of vague allegations. To buttress his arguments, he has submitted that the trial is at the advanced stage. The



material witnesses have been examined and except complainant, rest have not even supported the case of the prosecution. He has submitted that petitioner has no criminal antecedents and thus, in the overall facts and circumstances of the case, he deserves to be granted bail.

4. Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He submits that there are specific allegations against the petitioner who formed the unlawful assembly and caused injuries to the deceased. Thus, he submits that no case for the grant of bail to the petitioner is made out.

5. Learned State counsel has also opposed the submissions made by counsel for the petitioner. He submits that the petitioner had played an active role in the occurrence where Ranjeet Singh @ Shiva has been murdered. He on instructions from Inspector Sikander Singh submits that only two witnesses remain to be examined. He has submitted that petitioner has no criminal antecedents.

6. After hearing counsel for the parties and perusing the record, it is apparent that petitioner is behind bars since 15.09.2021. Though the petitioner is alleged to be the part of the unlawful assembly, the material witnesses as submitted before this Court have already been examined and they have not supported the case of the prosecution. As submitted before this Court, petitioner is 70 years of age and he has no criminal antecedents.

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and

circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

25.03.2025
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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