



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

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CRM-M-59568-2024

Date of decision: 04.03.2025

Ram Ratan alias Ram Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.303 dated 10.09.2021 under Sections 279, 337 of the IPC (Sections 279, 337 of the IPC deleted and Sections 307, 34, 120-B of the IPC added lateron) registered at Police Station Civil Lines, Patiala, District Patiala.

2. Reply by way of affidavit of Satnam Singh, PPS, Deputy Superintendent of Police, City-I, Patiala, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been supplied to the counsel opposite.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and has been languishing in custody since 26.07.2024. It is submitted that the case initially commenced with the registration of an FIR under Sections 279, 337 of the IPC, pertaining to a motor vehicular accident. However, on



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05.05.2022, these offences were deleted and instead Sections 307, 34 and 120-B of the IPC were invoked.

4. It has been vehemently argued by the learned counsel for the petitioner that the implication of the petitioner is based solely on the disclosure statement of co-accused, who are the brothers of the complainant. As per this disclosure statement, the petitioner was allegedly hired to eliminate the complainant and her sister Kulwinder Kaur, by staging a motor vehicular accident. Since the alleged plan did not materialise as the complainant and her sister survived, another incident took place on 19.12.2021, wherein the complainant and her sister were fired upon by the brothers of the complainant and two unidentified assailants resulting in the death of Kulwinder Kaur.

5. Learned counsel for the petitioner further submits that the case of the prosecution stands discredited by the testimony of the complainant in in FIR No.195 dated 10.09.2021 under Sections 302, 460, 559, 307, 34, 120-B of the IPC and Sections 25/27 of the Arms Act, 1959, registered at Police Station Passiana, District Patiala. During her deposition as PW-1 before the learned Trial Court, the complainant categorically deposed that the petitioner was neither present at the time of the occurrence nor had he fired at her sister Kulwinder Kaur. On the strength of this testimony, it has been submitted that a Coordinate Bench of this Court had previously granted bail to the petitioner vide order dated 26.09.2024 annexed as Annexure P-3.

6. It is contended that there is no evidence much less cogent, linking the petitioner to the alleged offences, and there exists no nexus



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between the motor vehicular accident and the subsequent murder of the sister of the complainant. At best, the incident in the present FIR remains a case of an accident, which the prosecution is not attempting to portray as an attempted murder.

7. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, submits that the instant FIR was registered initially under Sections 279 and 337 of the IPC, but was subsequently amended to include under Sections 307, 34, 120-B of the IPC following the disclosure statement of the brothers of the complainant. In this disclosure statement, they admitted to having hired the petitioner to eliminate their sisters under the guise of an accident. Since this plan failed, a subsequent attack ensued on 19.12.2021 wherein the petitioner along with the brothers of the complainant went to the house of the present complainant and fired fatally upon Kulwinder Kaur.

8. However, learned State counsel, on instructions, does not dispute the fact that in FIR No.195, the complainant, who was also the complainant in that case and an eyewitness to the occurrence, did not implicate the petitioner in her testimony before the learned Trial Court. On the contrary, she categorically stated that the petitioner was neither present nor had he participated in the murder of her sister.

9. I have heard learned counsel for the parties and perused the material placed on record.

10. The investigation in the present case stands concluded, and the challan was presented on 25.12.2024. However, the trial has not



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progressed beyond this stage, as even charges have not been framed. With as many as 20 prosecution witnesses cited, the likelihood of an early conclusion of the trial appears remote.

11. Considering the aforementioned facts, particularly the unequivocal testimony of the complainant in FIR No.195 before the learned Trial Court, coupled with the prolonged incarceration of the petitioner, this Court deems it fit to extend the concession of the bail to him.

12. 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.

13. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

04.03.2025

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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