

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

CRM-M-20595-2015

Date of decision: 06.07.2015

Daya Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Amit Dhawan, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.145 dated 06.09.2014 under Sections 304, 34 IPC, registered at Police Station Mehatpur, District Jalandhar.

Notice to Advocate General, Punjab.

Mr. K.D. Sachdeva, Addl. AG, Punjab accepts notice.

Learned counsel for the petitioner places reliance on an order dated 01.07.2015 passed by this Court in CRM-M-20540-2015 (Balwant Singh @ Vicky Vs. State of Punjab) to submit that petitioner is identically placed and he is also entitled for similar concession of bail pending trial which was granted to his co-accused/Balwant Singh @ Vicky.

On the other hand, learned counsel for the petitioner, on instructions from ASI Maninder Singh, Police Station Mehatpur, District Jalandhar, submits that the case of the petitioner is distinguishable on facts because there was a specific allegation against the petitioner that it was he who injected the excessive drug to the deceased. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the present case, petitioner has been found entitled for bail pending trial. It is so said because visra report is yet to be received and in the absence of said report, cause of death is not known. Further, the alleged incident took place on 25.07.2014, whereas the FIR came to be registered as late as on 06.09.2014. No explanation is forthcoming as to why the matter could not be reported to the police at an earlier point of time.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, present petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

06.07.2015
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