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

**C.R.M-M No.42304 of 2015 (O&M)
Date of Decision : 22.12.2015**

Ashwani Kumar @ Sunny

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Ms. J.J. Kaur, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.42 dated 17.04.2013, registered under Sections 394, 382, 302, 148, 149 IPC, at Police Station Sadar Phagwara.

Learned counsel for the petitioner has argued that as per the allegations on 29.03.2013 when the deceased was going on a scooter the petitioner came from behind on a motor-cycle and hit him on the head with danda and the deceased fallen down and sustained serious injuries. His statement was recorded on 17.04.2013 and thereafter he died on 18.04.2013

i.e. after 20 days and that too due to infection of pneumonia. She has further argued that the petitioner has now been in custody since 28.04.2013 and as per her not only is there any objective evidence of the petitioner's participation even the death is not directly attributable to the allegations. She has further argued that the trial is not likely to conclude in the near future since more than 20 witnesses remain to be examined.

Learned Additional Advocate General on instructions from ASI Nirmal Singh has accepted these factual assertions but has doubted the allegation that the death is not attributable to the allegations.

Be that as it may, keeping in view the above facts and the period of incarceration already suffered by the petitioner, without going into the merits of the case, I deem it appropriate to release the petitioner on regular bail to the satisfaction of the trial Court/Duty Magistrate.

Ordered accordingly.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

December 22, 2015

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**(AJAY TEWARI)
JUDGE**