

**216/A IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

**CRM-M-830 OF 2016
DATE OF DECISION: 11.7.2016**

PARTH SHARMA

.. Petitioner

VS.

STATE OF PUNJAB.

.... Respondent.

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Pankaj Bhardwaj, Advocate
 for the petitioner.

 Mr. Gazi Mohd. Addl. AG, Punjab.

 Mr. H.S. Randhawa, Advocate
 for the complainant.

A.B. CHAUDHARI, J.

 Heard learned counsel for the rival parties. The case depends purely on the circumstantial evidence as admittedly there is no eye-witness. The FSL report of the viscera of the deceased which has been shown by both the rival parties shows ethyl alcohol to a very large extent. Prima facie therefore, I am convinced that it is a fit case to grant regular bail to the applicant. Learned counsel for the complainant has vehemently opposed the applications for bail on the ground that this Court wanted to see the cause of death from the opinion of the doctor which is awaited and therefore till then this Court should not consider the prayer for grant of bail. In view of the fact that the FSL report shows heavy ethyl alcohol, I do not think that the applicant who is in jail since the date of arrest i.e. about one year, should further be continued under detention. Resultantly, I make the following order:-

1. The applicant is ordered to be released on bail on furnishing bail bonds in the sum of Rs.25,000/- with one surety in the like amount in FIR No.72 dated 11.6.2015 under Section 304 IPC and (added offence under Section 404 IPC), PS, Mehtiana, District, Hoshiarpur, to the satisfaction of CJM, Hoshiarpur. The applicant will produce himself as and when required by the police Investigating Officer.

2. Liberty to the State to apply for the cancellation of this order in case the State thinks so expedient upon receipt of the opinion of the doctor.

(A. B. CHAUDHARI)
JUDGE

July 11, 2016
SwarnjitS