

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

Crl. Misc. M-19803 of 2018 (O&M)
Date of Decision: August 20, 2018

Krishan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.P.S. Sidhu, Advocate
for the petitioner.

Ms. Seena Mand, DAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.99 dated 02.08.2015, under Sections 302, 304-B, 307, 328, 406, 498-A, 120-B, 149 of Indian Penal Code, registered at Police Station Talwandi Sabo, District Bathinda.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 20.08.2015 and facing the trial.

At this stage, Mr. L.S. Sidhu, Advocate puts in appearance on behalf of the complainant and files the power of attorney, which is taken on record. Learned counsel opposes the grant of regular bail to the petitioner on the ground that the petitioner herein was a Lab Technician and had

access to the mercury, which is probable cause of death of the deceased, and therefore, is not entitled to the grant of regular bail on this account.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while reading out the medical report and states that the doctors have opined that *the possibility of mercury poisoning, its sequel as the cause of death in this case cannot be ruled out*. It is also submitted that out of total 33 witnesses, 12 witnesses have been examined, including the material witnesses, 04 witnesses have been given up and out of remaining 17 witnesses, 04 witnesses have been summoned.

I have heard learned counsel petitioner as well as the complainant and State.

The argument as raised by the counsel for the complainant that the petitioner is not entitled to grant of regular bail, on account of the fact that he had administered mercury to the deceased, is a matter of evidence. Since, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 20.08.2015 i.e. for a period of three years and that all the material witnesses have since been examined and there is a little chance of the petitioner herein influencing or intimidating the material witnesses, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond in the sum of ₹ 5 lacs to the satisfaction of concerned trial Court/Duty Magistrate. It is left open to the complainant and the respondent-State to

approach this court for cancellation of bail, in case, the petitioner herein threats or intimidates the material witnesses.

August 20, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No