

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

CRM-M No. 33299 of 2018

Date of decision : 26.11.2018

Prem Singh alias Fouji

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. B. S. Jatana, Advocate for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

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DAYA CHAUDHARY, J. (Oral)

Petitioner Prem Singh alias Fouji has approached this Court by way of filing the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No.125 dated 03.11.2016 under Section 302 of the Indian Penal Code, 1860 as well as Sections 201, 379, 149 IPC (added later on), registered at Police Station – City Budhlada, Distt. Mansa, during the pendency of the trial.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas he was not involved. Having similar role, co-accused namely Mahesh Kumar and Balwinder Singh have been released on regular bail by this Court vide order dated 01.03.2018 passed in CRM-M No.43548 of 2017 and CRM-M No.43620 of 2017, respectively. Learned counsel also submits that the FIR was registered

against unknown persons and name of the petitioner has been mentioned later on on the basis of statement of one Satish Kumar. As per the MLR of the deceased, there is no ligature mark on the body of the deceased. As per the opinion of the doctor, the cause of death was asphyxia. As per report of the Chemical Examiner, ethyl alcohol was detected in the body of the deceased. Learned counsel also submits that the petitioner is in custody since 24.04.2018 and no purpose would be served by keeping him in custody.

Learned State counsel has not disputed the opinion given by the doctor as well as the report of Chemical Examiner submitted by learned counsel for the petitioner. He has also not disputed the fact that co-accused namely Mahesh Kumar and Balwinder Singh have been released on regular bail. However, he opposes the bail on the ground that even a single prosecution witness has not been examined so far.

Heard learned counsel for the petitioner as well as learned State counsel and have also gone through the FIR and other documents available on record.

By considering the submissions made by learned counsel for the petitioner and keeping in view the fact that co-accused namely Mahesh Kumar and Balwinder Singh have been released on regular bail; the petitioner is in custody since 24.04.2018; the investigation has been completed and trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody.

Accordingly, the present petition is allowed and the petitioner

is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

26.11.2018

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No