

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

228

CRM-M-321-2019.

Date of Decision: 19.09.2019.

Aman Kumar and another

....Petitioners.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Ashish Verma, Advocate, for the petitioner.

Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab.

Shekher Dhawan, J.

Present petition under Section 439 of the Criminal Procedure Code is for grant of regular bail to petitioners—Aman Kumar son of Tirath Ram and Gaurav Kumar son of Raj Kumar, who are facing trial in case F.I.R. No.151 dated 01.07.2018 under Sections 304, 323, 148 and 149 of the Indian Penal Code, registered at Police Station Civil Linex, Patiala.

Learned counsel representing the petitioners contended that the alleged occurrence took place on 05.06.2018 and victim of this case, namely, Supinder Singh, was having an injury on the forearm and the alleged weapon used was sharp edged weapon. The victim was admitted in the hospital on 06.06.2018 where he was discharged on 19.06.2018 on satisfactory condition and thereafter his death took place on 30.06.2018 and that was because of non proper care on the part of the family members.

Learned counsel for the petitioner placed reliance on the statement of Dr. Amit Singla, who has already been examined as PW1 before learned trial Judge in this case.

Learned counsel also contended that petitioner Aman Kumar is in custody since 02.07.2018 and petitioner Gaurav Kumar is in custody since 25.09.2018 and trial of the case still to take some more time as application under Section 319 Cr.P.C. was filed during the trial. No useful purpose would be served by detaining the petitioners behind the bars, so they be released on bail.

Learned State counsel opposed the prayer for bail on the ground that death had taken place because of septicemia and that was because of injury caused to the deceased on 05.06.2018 and trial is yet to be completed, so the petition for regular bail be dismissed.

At this stage, without commenting anything on the merits of the case, which may not cause prejudice to either of the parties at a later stage, but taking the above facts into consideration and the fact the petitioners are in custody for a period about one year, victim was discharged from the hospital on 19.06.2018 on satisfactory condition as per statement of PW1 Dr. Amit Singla, having been recorded, during the trial proceedings; trial of the case still to take some more time and no useful purpose would be served by detaining the petitioners behind the bars, the present petition is allowed. Petitioners—Aman Kumar and Gaurav Kumar, are ordered to be admitted to regular bail on their furnishing adequate bail bonds and surety bonds to the satisfaction of concerned learned trial Judge/ Chief Judicial Magistrate/ Duty Magistrate.

(SHEKHER DHAWAN)
JUDGE

19.09.2019

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Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No