

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

212

CRM-M-7698-2019 (O & M)
Date of Decision:27.02.2019

Gurwinder Singh @ Bobby

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Handa, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Gurwinder Singh @ Bobby has filed this petition seeking regular bail in case FIR No.206 dated 19.09.2018, under Section 304 of the Indian Penal Code ('IPC' – for short) registered at Police Station Chheharta, District Amritsar.

Learned counsel for the petitioner has contended that the petitioner is running a chemist shop. It has been argued that the complainant had on his own recorded his statement on 19.09.2018 vide General Diary No.34 dated 19.09.2018, wherein it is stated that the daughter of the complainant became serious on 18.09.2018 and the petitioner has administered glucose drips to his daughter. When the condition of his daughter did not improve then he got admitted his daughter in Arora Hospital and thereafter, condition further deteriorated and his daughter was referred to Escort Hospital. However, she died before reaching the Escort

Hospital. It was stated by the complainant that he does not want to take any action against anyone as she died due to illness.

Learned counsel has argued that the offence is under Section 304 IPC i.e. culpable homicide not amounting to murder and the trial of the case is likely to consume time.

Learned counsel for the petitioner has further contended that the petitioner is in custody for the last more than 5 months and it is not disputed that the victim was taken to Arora Hospital and from that hospital when the patient was being taken to Escort Hospital, she died on the way.

On the other hand, the bail application is opposed by the learned State counsel who is assisted by HC Harjinder. It is not in dispute that challan stands filed, however, no prosecution witness has been examined till date.

Considering the above background, stage of the trial which is likely to consume considerable time, further custody of the petitioner is not justifiable. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

27.02.2019
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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No