

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

CRM-M No. 35540 of 2018

Date of decision : 07.03.2019

Manveer Malhotra

.....Petitioner

Versus

State of U. T., Chandigarh

...Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. Karan Vir Nanda, Advocate for the petitioner.

Ms. Ashima Mor, APP, U.T., Chandigarh.

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DAYA CHAUDHARY, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.88 dated 20.06.2017 under Sections 304/201 of the Indian Penal Code, 1860 (for short - 'IPC'), registered at Police Station – Sector 19, Chandigarh, during 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 in the alleged offence. The complainant was well aware that his son was taking excessive dose of drugs as he had also remained admitted in drug de-addiction centre. He was also taking treatment regularly from the Government Hospital. He died because of taking overdose of the drug. Learned counsel further submits that no offence under Section 304 IPC is made out. The complainant and hotel manager have already been examined

and nothing has come in their statements as to how the petitioner was involved. All the material prosecution witnesses have been examined. Petitioner is in custody since 20.06.2017.

Learned counsel for respondent-UT, Chandigarh has opposed the bail on the ground that the petitioner was taking away the deceased on the motorcycle, which was also reflected in the CCTV footage. This fact was also admitted by the hotel manager who appeared as prosecution witness. The incident was admitted by the father of the deceased as well.

After hearing arguments of learned counsel for the parties and on perusal of contents of the FIR, admittedly there are total 22 prosecution witnesses, out of whom 15 witnesses have been examined and 5 witnesses have been given up. The next date of hearing before the trial Court is also very short *i.e.* 26.03.2019. The earlier petition filed by the petitioner was dismissed on 27.07.2018 and direction was issued to the trial Court to make all efforts to expedite the trial.

Keeping in view the stage of the trial as almost all the prosecution witnesses have been examined and only few remain to be examined; the next date of hearing before the trial Court is short; directions have already been issued to the trial Court to expedite the trial, no ground is made out to release the petitioner on bail at this stage.

Dismissed.

07.03.2019

sunil yadav

**(DAYA CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No