

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

CRM-M-40835-2019

Date of Decision : September 27, 2019

Vishav Partap SinghPetitioner
Versus
State of PunjabRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Ms. G.K. Mann, Advocate
for the petitioner.

Mr. J.S. Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This is the first petition filed by the petitioner for grant of regular bail under Section 439 of the Code of Criminal Procedure in FIR No.05 dated 17.1.2016 under Sections 304/201/34 IPC, registered at Police Station Majitha, District Amritsar

Counsel for the petitioner submits that the as per the allegations in the FIR, complainant Amrik Singh informed that dead body of a young person is lying in the hospital and when the police visited the hospital and found that a syringe was injected on the left arm of the dead body and father of the deceased Mohal Lal was present there. Counsel for the petitioner has further submitted that, thereafter, the FIR was registered after a delay of 22 days and it was stated by the father of the deceased that he has come to know that his son Pardeep Kumar was taken by Amardeep Singh @ Amba, along with petitioner Vishav Partap Singh, and was given some intoxicant substance by way of an injection.

Counsel for the petitioner has relied upon the judgment dated 22.3.2017 passed by the Additional Sessions Judge, Amritsar vide which co-accused Amarjit Singh, who faced the full length trial was acquitted by the trial Court. Counsel for the petitioner has further stated that the petitioner is in custody since 12.3.2019 and the allegations against the petitioner are identical to Amarjit Singh.

Learned State counsel, on instructions from Investigating Officer and on the basis of the custody certificate has disputed the factual position.

Without commenting anything on the merits of the case, considering the aforementioned submissions made by the counsel for the petitioner and also considering the fact that the petitioner is not involved in any other case; this petition is allowed and the petitioner is directed to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

September 27, 2019
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Whether speaking/reasoned : YES / NO
Whether reportable : YES / NO