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

**CRM-M-939-2020
Date of Decision: 23.09.2020**

Amanat Ali

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mohd. Yousaf, Advocate,
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition for regular bail filed under Section 439 Cr.P.C. on behalf of the petitioner in case FIR No.87 dated 25.03.2018, under Sections 302/379-B/34 of the IPC and Section 25 (Act No.54) of the Arms Act, 1959, registered at Police Station Dehlon, District Ludhiana.

[2]. The petitioner was arrested on 11.04.2018 and has remained in detention thereafter.

[3]. Ld. Counsel for the petitioner has drawn attention of the Court to the FIR as originally lodged, in which, it was specifically mentioned that the complainant's friend Rakesh Kumar had jumped into a Canal when the key of his Motorcycle was snatched by three persons, who had chased them and threatened them. Thereafter in the original FIR, it was further mentioned that Rakesh Kumar was seen to have crossed over to the other side of the Canal, from where, he gave a signal that he had safely made over

there, after which, he again started swimming while the accused persons went away on their Motorcycle. However, on 30.03.2018, the complainant made a supplementary statement, in which, there were manifest improvements from his original version in the FIR and he stated that the deceased had been pushed into the Canal by the accused persons. Consequently, the original FIR which was drawn up only under Section 379-B of the IPC was supplemented with Section 306 of the IPC. But ultimately, the Challan was submitted under Section 302 of the IPC as well.

[4]. Attention of the Court is further drawn to the Post Mortem Report of the deceased (Annexure P-2), in which, his death was opined to be caused “due to Cardio Respiratory Arrest which is due to Vagal Inhibition”, which is sufficient to cause death in due course of time, and there is no mention of any injuries on the body of the victim in the Post Mortem Report.

[5]. It transpires that the charges in the case have been framed in the earlier part of this order but evidence from the prosecution side could not commence due to onset of COVID-19 Pandemic, although as many as 25 witnesses have been cited in the challan.

[6]. In these circumstances, considering the long detention undergone by the petitioner, which is almost 2½ years by now and the fact that expeditious completion of trial in the near future appears to be remote possibility due to the prevailing Pandemic and without commenting any further on the merits of the present case as a whole, the prayer of the petitioner for regular bail is allowed and he is ordered to be released on bail subject to appropriate terms and conditions to the satisfaction of the Ld.

Trial Court/Duty Magistrate, concerned.

[7]. Disposed off.

23.09.2020

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No