

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

**CRM-M No.1746 of 2020
Date of Decision : 29.09.2020**

Sewak Singh @ Gursewak Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Kewal Singh, Advocate
for the Petitioners.

Mr. Ramandeep S. Sandhu, Sr. Dy. Advocate General, Punjab
for the Respondent/State
assisted by ASI Jasbir Singh.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioners in case FIR No.45, dated 24th June, 2019, registered under Sections 304, 34 of the Indian Penal Code, 1860 at Police Station Mehna, District Moga.

2. The Petitioners have remained in detention since 7th August, 2019.

3. It is submitted by Ld. Counsel for the Petitioners that after registration of the FIR on 4th of August, 2019, in which their names were mentioned, the Petitioners had themselves surrendered before the Police, after which they were taken into custody.

4. It has been further submitted that according to the FIR itself, the deceased was actually a drug addict although the Complainant (his mother) had mentioned that he had stopped taking such drugs for a few months. At any rate it transpires that death of the victim is imputed to administration of some wrong drugs/over dose by the Petitioners, who apparently were in association with the deceased in the matter of consumption of drugs, and as such there is no indication of any *mens rea* on the part of the Petitioners to wilfully cause death of the Victim.

5. It further transpires that Challan against the Petitioners has been submitted one year ago on 30th September, 2019 and out of 15 cited witnesses only 01 has been examined so far. The Trial has thereafter been held up due to outbreak of Covid-19 Pandemic.

6. In the circumstances, without commenting upon the other merits of the case and keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, at this stage, this Court is of the opinion that further detention of the Petitioners for an indefinite period is not justified. As such, they are ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

7. Disposed off.

September 29, 2020

Dpr

(SUDIP AHLUWALIA)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No