

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.205

CRM-M-2137-2020
Date of decision : 1.9.2020

Chander Mohan @ Lovely

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. J.S. Ghumman, Advocate, for the petitioner.
Mr. Pawan Sharda, Sr. DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

Reply dated 10.8.2020 has been submitted by learned State counsel in Court today and the same is taken on record.

The petitioner seeks regular bail in case FIR No.156 dated 11.9.2019, registered at Police Station Adampur, District Jalandhar (Rural), under Sections 304 and 34 IPC.

Learned counsel for the petitioner submits that the petitioner has been nominated as an accused only because, he is alleged to have consumed heroin with the deceased, namely, Pardeep Kumar. There is no other evidence against him. The opinion of the doctor annexed as annexure R3 with the written statement is contrary to the case of the prosecution as according to it, no definite cause of the death can be determined. The petitioner has been in custody for over 11 months as on date and there is no other criminal case pending against him. Thus, he may be released on regular bail.

Custody certificate dated 31.8.2020 has been submitted by learned State counsel in Court today and the same is taken on record. According to this certificate, the petitioner has undergone actual custody of 11 months and 18 days and there is no other criminal case pending against

Learned State counsel is not in a position to state anything to the contrary as the opinion of the doctor annexed as annexure R3 with the written statement records that no definite cause of death can be ascertained.

On a specific question being raised, learned State counsel submits that out of a total of 17 PWs, only 01 PW has been examined till date.

It is thus, evident that trial is not likely to be concluded at an early date and the petitioner has been in custody for over 11 months and there is no other criminal case pending/decided against him. The case against the petitioner has been rendered quite weak in view of the opinion of the doctor annexed as annexure R3 with the written statement and thus, I deem it appropriate to allow this petition. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

1.9.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No