

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

203

CRM-M-5333-2020

Date of decision : 04.09.2020.

Gurpreet Singh @ Gopi

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Ms. Satwant Mehta, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.08 dated 13.02.2016, under Sections 302, 323, 148, 149 IPC, registered at Police Station Valtaha, district Tarn Taran.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he has given a solitary blow on the head of the deceased with a baseball bat. She further contends that even if the prosecution case is taken in its entirety, offence would fall under Section 304 IPC instead of Section 302 IPC. She also contends that the petitioner is in custody for over 04 years and 06 months and is not involved in any other criminal case. The petitioner is under treatment as he was confirmed HIV (+ve) in the year 2013. She has referred to the copy of the patient treatment record at Annexure P-2.

Learned State counsel has filed custody certificate of the petitioner which indicates that he is in custody for 04 years, 06 months and 09 days as on 03.09.2020. He, upon instructions from SI Kewal Singh, contends that 02 out of 19 prosecution witnesses have been examined.

Heard through video conferencing.

In view of the submissions of the learned counsel for the petitioner, especially when the petitioner is in custody for over 04 years and 06 months; he is not involved in any similar case; he is HIV(+ve); the COVID-19 pandemic, and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

September 04, 2020
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No