

215

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

CRM-M-9033-2020

Date of Decision : 17.12.2020

SATWANT SINGH @ GORA

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravi Malhotra, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Amit Dhawan, Advocate
for the complainant.

MANOJ BAJAJ, J. (ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.159 dated 17.09.2019 under Section 302 IPC, 1860 (Section 302 IPC deleted later on and Section 304 IPC added), Police Station Mehatput, District Jalandhar. The petitioner is in custody since his arrest on 20.09.2019.

Briefly stated, the facts of the case are that on 16.09.2019 at about 8.30 pm, the petitioner-Satwant Singh @ Gora took the son of complainant Jagjit Singh with him on motorcycle, and every time when the complainant tried to contact his son on mobile the petitioner attended the call and said Jagjit Singh was with him and coming back to home, but till 2 am, they had not come back. Then the complainant went to the house of petitioner for search of his son, where his parents told that both had not come. Thereafter, they started search for the petitioner and Jagjit Singh. At about 6 am, they came towards Dhushi Bandh and

SANGEETA
2020.12.21 17:46
I attest to the accuracy and
integrity of this document

saw the dead body of his son Jagjit Singh lying near the motorcycle. On these

broad allegations the present FIR was registered against the petitioner.

Learned counsel for the petitioner contends that initially the case was registered for the offence punishable under Section 302 IPC, but after completion of investigation the final report was filed against the petitioner for commission of an offence punishable under Section 304 IPC. He submits that the death of the victim was accidental and therefore the further custody of the petitioner may not be necessary as the trial is yet to commence. He prays for bail.

On the other hand the prayer is opposed by learned State counsel who is assisted by ASI Tirlochan Singh as well as Mr. Amit Dhawan, Advocate, counsel for the complainant. It is not disputed by learned State counsel that the final report was filed on 16.11.2019, but the case is yet to be committed to the Court of Sessions for trial.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court does not find any reason to decline the prayer. Apart from it, this Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may delay the conclusion of trial. The petitioner is presently confined in judicial custody since 20.09.2019 and his further detention may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Jalandhar.

17.12.2020
sangeeta

(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No