

Kamaljot Singh @ Kamal

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sukhdeep Singh Sidhu, Advocate for the petitioner

Mr. Ramdeep Pratap Singh, DAG Punjab

Sudhir Mittal, J. (Oral)**CRM No. 20735 of 2020**

This application has been filed for placing on record Annexures A-1 and A-2.

Notice in the application.

Mr. Ramdeep Pratap Singh, DAG Punjab accepts notice on behalf of the respondent-State and has no objection in case the application is allowed.

Thus, application is allowed and Annexures A-1 and A-2 are taken on record.

Crl. Misc. No. M-10694 of 2020

The petitioner seeks grant of regular bail in case FIR No. 120 dated 18.08.2017 registered under Sections 302, 201, 384, 365, 506, 34 IPC at Police Station Dialpura, District Bathinda.

The aforementioned FIR came to be registered on the complaint of one Ghulla Singh that his son Manpreet Singh has been missing and has probably been kidnapped by some unknown persons. Section 302 IPC was added after recovery of the body of said Manpreet Singh.

Learned counsel for the petitioner submits that the petitioner has been in custody since 03.09.2017. Although 19 PWs out of 21 PWs stand examined but

pandemic. The matter has been adjourned on the last many dates. The supplementary statement of complainant Ghulla Singh annexed as Annexure A-1 does not implicate the petitioner in any manner and his name has been mentioned on the whims of the complainant. The evidence of the Doctor has been annexed as Annexure A-2, from which it is evident that the cause of death could not be ascertained although the allegation by the complainant is that the accused persons injected drugs to cause the death. Till date there is no evidence on record to indicate that the petitioner was in any way responsible for the death and, thus, the petitioner deserves to be granted regular bail.

Custody certificate dated 05.08.2020 has been submitted in the Court. The same is taken on record. According to this custody certificate, the petitioner has undergone actual custody of 2 years, 10 months and 30 days and there is no other criminal case pending/decided against him.

Learned State counsel concedes that the matter has been adjourned on number of dates and that the trial may not be concluded at an early date on account of the COVID-19 pandemic.

The record indicates that the petitioner has been in custody for almost three years as on date and that the trial is not likely to be concluded at an early date. The evidence referred to by learned counsel for the petitioner also does not support the prosecution of the petitioner and, thus, I deem it appropriate to grant him regular bail.

Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

August 25, 2020

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No