

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

CRM-M-13653 OF 2020

DATE OF DECISION : 14.07.2020

Prabhjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Gagandeep Singh Simble, Advocate,
For the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

The petitioner is seeking regular bail in FIR No. 15 dated 24.03.2020 under Section 304 IPC, Police Station Mehta, District Amritsar.

2. As per allegations in the FIR, the petitioner was beating his son when the deceased tried to stop the petitioner. In retaliation, petitioner caught the deceased from neck and pushed him. Due to said push, the deceased fell down and died.

3. Learned counsel for the petitioner contends that complainant is mother of the petitioner and wife of deceased Swaran Singh and in the heat of moment, she got the instant FIR registered against her son. He further submits that challan has been presented and the petitioner is in custody since 24.03.2020.

4. Notice of motion.

5. Mr. Rana Harjasdeep Singh, DAG, Punjab, who has joined proceedings on service of advance copy of the petition, appears and accepts notice on behalf of State of Punjab.

6. On a query posed by this Court, learned State counsel submits that challan has been presented though formal charges are yet to be framed by the trial Court.

7. In the premise, investigation in the case is complete and no further custodial interrogation of the petitioner is required. That apart, mother of the petitioner, who is complainant in the FIR in question, has subsequently sworn an affidavit dated 27.04.2020 (Annexure P-2), wherein she has deposed that due to sudden demise of her husband triggered by a fall caused by her son, she was in a state of shock and under some misunderstanding, lodged the FIR implicating her son as an accused, even though he is innocent.

8. Be that as it may, allegations in the FIR *viz.a.viz* affidavit contained at Annexure P-2, are a matter of trial to be adjudicated by the trial Court. At this stage, no useful purpose would be served by keeping the petitioner in custody, as the trial is not likely to commence or conclude any time soon due to current pandemic conditions.

9. In the premise, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Magistrate.

(ARUN MONGA)
JUDGE

JULY 14, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No