

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

201

**CRM-M No.14295 of 2020
Date of decision:03.07.2020**

Maingal Singh @ Kala

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr.Randhir Thind, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.46, dated 14.05.2018 registered under Sections 302, 341, 506, 148, 149, 120-B of IPC at Police Station City Rampura, Bathinda (Annexure P-1).

Counsel for the petitioner has urged that though the complainant named the petitioner in the FIR as one of the assailants who attacked her deceased husband, Buta Singh, yet during the course of prosecution evidence, the complainant (PW-1) did not support the prosecution and rather stated that the accused persons who were present in court were not the ones who had murdered her husband. Counsel has further made a reference to the testimony of the Doctors, who appeared as PW-2 to PW-5, to submit that the injuries caused to the deceased were on non vital organs and were in themselves not sufficient to cause the

death of Buta Singh. He argues that the medical evidence shows that the death of Buta Singh had taken place due to cardiac arrest. The petitioner is stated to be in incarceration since 21.05.2018.

State counsel has opposed the bail petition. Upon instructions of ASI Ramanjeet Singh, State counsel submits that the challan was filed on 13.08.2018 and the charges against the accused were framed on 18.03.2019. Seven out of 25 prosecution witnesses have been examined and the next date before the trial Court is 18.07.2020. The period of the custody of the petitioner has not been disputed.

Heard.

Considering the fact that the accused is in custody for the last 2 years and 1½ months and the trial is likely to take sometime to conclude, no useful purpose will be served by keeping the petitioner behind bars any further. Without commenting anything on the merits of the case, the petition is allowed and the petitioner, namely, Maingal Singh @ Kaka is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate.

It is clarified that the observations made hereinabove shall not be construed to be an expression on the merits of the case.

03.07.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No