

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19691-2020 (O&M)

DATE OF DECISION: NOVEMBER 11, 2020

ATTAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. SOURABH ARORA, ADVOCATE
FOR THE PETITIONER.

MR. SANDEEP SINGH DEOL, DAG, PUNJAB.

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.12 dated 12.1.2019, under Section 304 IPC, Police Station Ajnala, District Amritsar. The petitioner is in custody since his arrest on 12.01.2019.

The allegations contained in the FIR has been noticed by the Addl. Sessions Judge, Amritsar in his order dated 15.03.2019, which reads under:-

“This FIR was registered on the statement of SI Surjit Singh, who has stated that he was present in the police post Ajnala when he heard a raula on the main road at a distance of 50 yards from the police post. He alongwith ASI Sukhwant Singh went to the spot and found that one drunkard person was beating an unknown ascetic type person with fist and kick blows. That unknown person after some time became unconscious and fell down. The person who was giving beating was apprehended at the spot and he told his name as Attar Singh. Subsequently

that ascetic person died in the hospital.”

Learned counsel for the petitioner contends that the petitioner was charged by trial Court for the alleged offence of culpable homicide not amounting to murder vide order dated 27.11.2019, but no prosecution witness has been examined till date. He submits that as per prosecution, the petitioner gave fist blows to the victim. According to him, the trial of the case is likely to consume considerable time, therefore, he prays that the petitioner be released on regular bail.

On the other hand, learned counsel for the State assisted by ASI Sukhdev Singh has opposed the aforesaid prayer. However, it is not disputed by him that no prosecution witness has been examined so far.

After hearing learned counsel for the parties, this Court finds that the investigation of the case is complete and the trial is yet to start. This Court is cognizant of the fact that the outbreak of global pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody 12.01.2019 and his further detention may not be necessary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 11, 2020

Gulati

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No

(MANOJ BAJAJ)
JUDGE