

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-20163-2020
Decided on : 11.08.2020

Prem Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Parvesh Sachdeva, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.162 dated 07.10.2019 registered under Sections 302, 120-B and 201 IPC at Police Station City Fazilka District Fazilka.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question, which would be evident from the fact that not only was there a delay of 7 days in lodging the FIR in question but at the time of occurrence the reason given for the death of the deceased was said to be a natural death. He further contends that both the complainant and the accused family were present at the time of cremation of the deceased and no complaint or allegations were levelled by the complainant regarding any foul play in the death of the deceased. Further, no postmortem was conducted which could indicate any foul play in the death of the deceased. The petitioner is in custody since 07.10.2019

and hence, it has been prayed that the petitioner be extended the concession of regular bail.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. She on instructions from ASI Krishan Lal has conceded that no postmortem was conducted at the time of death of the deceased nor was there any complaint on record against the accused including the petitioner. She has further apprised the Court that the challan has been presented on 03.06.2020 and charges are yet to be framed in this case.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 07.10.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

11.08.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No