

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

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CRM-M-22798-2020

Date of decision : 20.08.2020.

Sanjay Patel

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Randhir Singh Manhas, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Mr. Mukund Gupta, Advocate for the complainant.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.38 dated 26.10.2018, under Sections 302, 120-B IPC (Section 201 IPC added later on), registered at Police Station Dhakoli, District SAS Nagar (Mohali).

Learned counsel for the petitioner contends that the FIR was lodged after a delay of one month. The deceased was found dead on 22.09.2018 while the FIR was lodged on 26.10.2018. He further contends that proceedings under Section 174 Cr.P.C. were carried out and the father of the deceased had stated that the deceased had fallen off the top floor. The brother of the deceased had later on filed the complaint. He also contends that the petitioner is a labourer and there is no motive which has been ascribed to him. The petitioner is in custody for over 01 year and 08 months and is not involved in any other case. Co-accused, namely, Pavan Patel @ Pawan Patel, who is the son of the petitioner, has already been granted regular bail by this Court in CRM-M-16458 of 2020, on 30.07.2020.

Learned State counsel, upon instructions from Head Constable Malkeet Singh, states that 04 out of 19 prosecution witnesses have been examined.

Learned counsel for the complainant contends that the petitioner does not deserve the concession of regular bail as the FIR had been lodged in terms of the direction of this Court. He, however, is not in a position to controvert that the proceedings under Section 174 Cr.P.C. were carried out and the father of the deceased had stated that the deceased had fallen off the top floor.

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner, who is a labourer, is in custody for over 01 year and 08 months, he is not involved in any other case; co-accused has been granted regular bail; Covid 19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

August 20, 2020
sonia gugnani

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No