

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

CRM-M-23545-2020

Date of decision:-28.8.2020

Harwinder Singh @ Budhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr.J.S. Ghumman, Advocate the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Harwinder Singh @ Budhu, aged about 24 years, an accused in FIR No.31 dated 10.05.2019 for offences under Sections 304 and 34 IPC, registered with Police Station City Nakodar, District Jalandhar Rural.

In nutshell, the facts of the case as per the prosecution story are that criminal machinery in this case was set into motion by complainant Kulwinder Kaur, aged about 48 years wife of Manjit Singh, resident of Village Allowal, City Nakodar, District Jalandhar Rural, who by making statement to the police on 10.05.2019 stated that on 08.05.2019 at about 6 AM, her son Harpreet Singh @ Happy, aged about 22 years had returned home from Delhi and thereafter, had gone

to purchase vegetables from the market. When he returned home, he got a telephonic call and thereafter, he went away. At about 12.30 noon, Sunny son of Sokhi came to her house and informed that Happy was lying in the street and he had left Happy in house of Sunil @ Leela and that Happy was not feeling well. After sometime, Sunny and Sukhi brought Harpreet Singh @ Happy on a motorcycle and left him at his house. The complainant called Dr. Yadav who came and after medically examining Harpreet Singh @ Happy stated that his condition was quite bad. He asked the complainant to take him to Civil Hospital. The complainant accordingly removed Harpreet Singh @ Happy to Civil Hospital, where the doctor declared him dead. In her such statement to the police, the complainant stated that she had come to know that Harwinder Singh @ Budhu (present petitioner), Gurmito wife of Paramjit Singh, Sunil Pal @ Leela son of Mahinder Pal, Sunny @ Manak son of Sokhi and Gurjit Singh @ Jeeta having common intention had given overdose of intoxicant injection to Harpreet Singh @ Happy, as a result of which, he had died. After registration of formal FIR, the matter was investigated. Petitioner/accused Harwinder Singh @ Budhu was arrested in this case on 11.5.2019.

He had filed an application for regular bail before Court of Sessions, however, that application was dismissed by Addl. Sessions Judge, Jalandhar, vide order dated 29.7.2020. Therefore, the petitioner has approached this Court praying for grant of similar relief, which request is being opposed by the State counsel.

I have heard learned counsel for the parties besides going

through the record.

Learned counsel for the petitioner has contended that the petitioner has not committed any offence; his co-accused, namely, Gurjeet Singh @ Jeeta, Sunny, Gurmito and Sunil Pal @ Leela have already been granted regular bail by this Court vide orders dated 2.11.2019, 19.12.2019, 30.1.2020 and 13.7.2020, respectively, copies of which have been placed on record as Annexure P3 to P6. The case of the petitioner is at par with them. Though the challan has been filed against him but charge is yet to be framed and proceedings before the trial Court have been held up on account of Corona Pandemic, as such he be granted regular bail.

Though the request has been opposed vehemently by the State counsel. But I find that considering the facts and circumstances of the case and that three of his co-accused have already been granted concession of regular bail, further considering the principle of parity and the fact that the guilt of the accused shall be determined during the trial, which is at initial stage and proceedings of this case having been held up due to Corona Pandemic and further that the conclusion of trial shall take considerable time to conclude, it is found proper and appropriate to grant concession of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the the trial Court/CJM/Duty Magistrate, Jalandhar, subject to the following conditions:-

(i) he shall appear in the Court on each and every date of

hearing;

(ii) he shall not give any threat or intimidation to the prosecution witnesses; and

(iii) he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

28.8.2020
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(H.S. MADAAN)
JUDGE

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