

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 27035 of 2020
Date of Decision: 05.10.2020**

Buta Singh and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravneet Singh Joshi, Advocate
for the petitioners.

Mr. Venu Gopal Jauhar, Sr. DAG, Punjab.

Mr. Ashok Kumar Sharma, Advocate
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioners seek regular bail in FIR No. 115 dated 12.9.2017 under Sections 302/323/148/149 IPC registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioners submits that no specific injury has been attributed to the petitioners and even Dr. Urvashi, Junior Resident, Department of Surgery, Rajindra Hospital, Patiala, while appearing in the witness box as PW-1, has stated that deceased Harnek Singh was admitted in the hospital on 09.9.2017 and remained under treatment till 11.9.2017. She further deposed that the patient was admitted with Cardiac Artery and hypertension disease and was having irregular treatment and the possibility of death due to the said diseases could not be

ruled out.

Learned counsel for the petitioners further states that the application under Section 319 Cr.P.C. has been allowed by the trial Court and *de novo* trial has started. He further submits that petitioner No. 1-Buta Singh has been in custody since 18.9.2017 and petitioner No. 2-Suresh Pal has been in custody since 29.3.2018.

Learned State counsel, who is assisted by learned counsel for the complainant, has not disputed the fact that the application under Section 319 Cr.P.C. has been allowed and *de novo* trial has started.

Custody certificates by way of affidavits of Deputy Superintendent, Central Prison, Patiala have been filed through e-mail. Copy of the same is taken on record.

As per the custody certificate, petitioner No. 1 Buta Singh has been in custody from the last 03 years and 13 days whereas petitioner No. 2-Suresh Pal has been in custody from the last 02 years, 06 months and 03 days. Moreover, co-accused Raj Kumar, who is alleged to be the main accused, and his wife Raj Rani have also been granted regular bail by the Co-ordinate Bench of this Court. The trial will take time to conclude because of COVID-19 pandemic. No useful purpose would be served by keeping the petitioners behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioners are ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

October 05, 2020

Gurpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No