

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

CRM-M-29562-2020

Date of Decision: 06.10.2020

Bunti @ Laddu

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Divjyot S. Sandhu, Advocate for the petitioner.

Mr. Ramdeep Partap, 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.219 dated 30.08.2018 registered under Sections 302, 201 and 120-B IPC, 1860 at Police Station City Kapurthala, District Kapurthala. The petitioner is in custody since his arrest on 31.08.2018.

The FIR was registered on the basis of complaint given by Malkiat Singh and the allegations as noticed by the Id. Sessions Judge, Kapurthala in the order dated 11.07.2019 are as under:

“The present case has been registered on the statement of complainant Malkiat Singh son of Gurditta, on the allegations that he has got two sons and two daughters. His son Hardeep Singh @ Nikka aged about 32 years was also doing work of white wash. On 29.08.2018 at about 06:30 p.m., his son has gone from the house and Suraj Parkash son of Mohan Lal, resident of Mohalla Ucha Dhora used to accompany him. He has suspected that on that day Suraj Parkash has killed his son after taking him somewhere and has thrown his dead body at the road side of road leading from Brahm Kund Mandir towards Police Lines, Kapurthala. He has seen the dead body of Hardeep Singh, who has fresh scratch mark on the toe of his right foot and apart from it, there is no injury mark on his body. Thereafter supplementary statement of the complainant was also recorded.”

Learned counsel for the petitioner contends that the case of the prosecution is based upon circumstantial evidence and the petitioner has been indicted on the basis of a supplementary statement made by the father of the victim. He submits that in the initial version put forth by the complainant, the suspicion was expressed upon accused Suraj, who had allegedly taken away Hardeep Singh @ Nikka (deceased) from his house. Learned counsel further contends that the supplementary statement (Annexure P-2) clearly suggests that the victim died as a result of consumption of drugs. According to him, the investigation of the case is complete and the charges were also framed on 02.07.2019, but only one witness has been examined so far. He prays for grant of regular bail during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Ashok Kumar, has opposed the prayer on the ground that the charges against the petitioner are serious, however, he has submitted that as per the post mortem report, the victim died as a result of consumption of drugs.

Considering the above background and custody of the petitioner, this Court does not find any reason to decline the prayer of the petitioner as the trial is likely to consume considerable time, in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread. The petitioner after his arrest on 31.08.2018 is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

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/Duty Magistrate Kapurthala.

The petition is allowed.

06.10.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No

