

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

CRM-M-30336-2020 (O&M)

Date of decision: 05.10.2020

Amit Goyal

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Maninder Arora, Advocate for the petitioner.

Mr. Venu Gopal Jauhar, Sr. DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 0008 dated 17.01.2020 registered under Section 304 IPC at Police Station Sadar Phagwara, District Kapurthala.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case, on the ground that he had accompanied the main accused when he met Mohit Ghanghas (since deceased) on 15.01.2020. Moreover, the FIR was got registered against unknown persons. The petitioner has been in custody since 09.06.2020 and

no recovery has been effected from him. He further submits that co-accused Sunil Kumar has already been granted regular bail by the learned Additional Sessions Judge, Kapurthala, vide order dated 24.08.2020. There is no other case against the petitioner.

He further contends that witnesses, namely, Halqe Lal @ Hallu and Harin Bahadur in their statements stated that Mohit Ghanghas (since deceased) was habitual in taking intoxicating material by inserting the same in cigarette. Additionally, the learned counsel for the petitioner prays for grant of regular bail on the ground of massive spread of Covid-19 cases.

Copy of custody certificate by way of affidavit dated 03.10.2020 of Deputy Superintendent, Central Jail, Faridkot, submitted by the learned State counsel through email, is taken on record.

He has not disputed the facts regarding the custody period of the petitioner and there being no other case against the petitioner. He further states that the challan has been presented and charges are yet to be framed. He points out that the petitioner has been indicted in the present case on the basis of the call details record and disclosure statements of the co-accused. There are specific allegations that the petitioner along with other co-accused had administered overdose of intoxicant injections to Mohit Ghanghas (since deceased).

I have heard the learned counsel for the parties.

The petitioner is a student and pursuing his diploma course in Lovely Professional University. The petitioner has been in custody since

09.06.2020 and charges are yet to be framed. The trial will take time to conclude, especially due to prevailing situation of Covid-19. Thus, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the learned trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

05.10.2020

Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No