

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

Sr. No.220

CRM-M-33579-2020
Date of decision : 3.11.2020

Parveen Kumar

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. S.D.S Bali, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

Mr. P.S. Brar, Advocate, for the complainant.

SUDHIR MITTAL, J. (Oral)

The petitioner seeks regular bail in case FIR No.107 dated 29.5.2020, registered at Police Station Dharmkot, District Moga, under Sections 323, 452, 342, 506, 148 and 149 IPC (Sections 304, 325 and 442 IPC added later).

Learned counsel for the petitioner submits that the petitioner has been in custody for 04 months and 15 days. The trial is not likely to be concluded at an early date as even, charges have not yet been framed. The deceased has not died on account of the alleged beatings as is evident from the medical opinion, a copy of which is annexed as Annexure P-9. He has died due to heart failure. Thus, the petitioner may be released on regular bail.

Custody certificate dated 2.11.2020 has been produced in Court and the same is taken on record. According to this certificate, the

petitioner has undergone actual custody of 04 months and 15 days and there is no other criminal case pending/decided against him.

Learned State counsel concedes that charges have not yet been framed.

Learned counsel for the complainant argues that the deceased had six injuries on his body as is evident from postmortem report. The police is conniving with the accused. In fact, the deceased has been murdered by the petitioner and his co-accused and thus, he does not deserve to be granted regular bail.

It is evident that the petitioner has been in custody for 04 months and 15 days and that there is no other criminal case pending/decided against him. It is also evident that the trial is not likely to be concluded at an early date as even, charges have not yet been framed. The argument that the police is conniving with the accused, cannot be accepted in view of the medical opinion annexed as Annexure P-9, wherein, it has been categorically stated that the cause of death was cognitive heart failure and not due to injury sustained. Thus, I deem it appropriate to grant regular bail to the petitioner. Accordingly, the petition is allowed and petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

(SUDHIR MITTAL)
JUDGE

3.11.2020

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes / No

Yes/ No