

**208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-33683-2020
Decided on : 03.11.2020

Chhinda Singh @ Jaswinder Singh Petitioner
Versus
State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Salil Bali, Advocate
for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.117 dated 18.10.2018 under Sections 304, 342, 148, 149 of IPC 1860 (later on offence U/S 302, 364 was enhanced after deleting the offence U/S 304 of IPC) at Police Station City Fazilka.

Learned counsel for the petitioner inter alia contends that the FIR in question was recorded on the statement of the injured Sukhwinder Singh (since deceased) on 13.10.2018 i.e. 04 days after the alleged occurrence. As per the medico-legal examination carried out on the injured, most of the injuries were opined to be simple in nature while other injuries sustained by the injured were kept under observation. He further contends that the injured Sukhwinder Singh unfortunately died on 18.10.2018 and as per the postmortem report (Annexure P-4), it was a case of medico-legal injuries with acute renal failure. Hence, his death could not be linked with the occurrence in question, much less, to the injuries allegedly sustained by him in the occurrence in question. It has been further submitted that the

petitioner has been in custody since 23.10.2018 and the trial is unlikely to conclude in the near future as only 02 out of the 16 prosecution witnesses cited so far have been examined till date.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Bhajan Singh submitted that the trial has not been able to make much headway on account of the prevailing situation due to Covid-19.

Heard.

The petitioner has been in custody since 23.10.2018 and the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

03.11.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No