

227

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 06.11.2020

1. CRM-M-34625-2020

Varinder Bali

.. Petitioner

Vs.

State of Punjab
AND

..Respondent

2. CRM-M-34748-2020

Harpreet Singh @ Heera

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Divjyot Singh Sandhu, Advocate
for the petitioner(s).

Mr. Sukhbeer Singh, AAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioners have filed these petitions 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, 341, 201 and 120-B IPC, 1860 at Police Station City Kapurthala, District Kapurthala. The petitioners are in custody since their 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. Addl. Sessions Judge, Kapurthala in the order dated 15.10.2020 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(s) contends that in the initial version, the complainant had expressed suspicion upon accused Suraj with whom the victim had left his house, and the petitioners were indicted as accused on the basis of the supplementary statement of the complainant. According to him, the similarly situated co-accused has already been granted the concession of regular bail by this Court vide order dated 06.10.2020 in CRM-M-29562-2020. It is further argued that the victim had consumed overdose of drugs and it resulted in his death. He contends that as the case of the petitioners is at par with the other co-accused Bunti @ Ladu, therefore, the petitioners also deserve the concession of bail.

On the other hand, learned State counsel assisted by ASI Harprashad Singh, has opposed the prayer on the ground that the allegations against the petitioners are serious. However, it is not disputed by him that the investigation of the case is complete and the other co-accused has been granted the concession of regular bail.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete and the case of the petitioners is at par with the co-accused, who is on bail. It is apparent that the trial is progressing at a slow pace. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioners are presently confined in ju-

sary for any useful purpose, therefore, this Court does not find any reason to decline the prayer.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioners be released on regular bail in the above case, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Kapurthala.

The petition is allowed.

06.11.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No