

CRM-M-35063-2020

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

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Date of decision: 06.11.2020

Sanjay Verma

...Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Amardeep Sheoran, Advocate,
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Custody certificate by way of affidavit of the Deputy Superintendent, Central Prison, Faridkot, has been filed through e-mail. Print out of the same is taken on record.

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case FIR No.206 dated 05.10.2018, registered at Police Station Daresi, District Ludhiana, under Sections 302 and 34 IPC.

Learned counsel for the petitioner contends that the petitioner alongwith Pappu, Rahul Kumar, Anil Kumar was arraigned as accused in the present case. He further contends that PW 1 Dr.Abha Sharma, Medical Officer, Arora Neuro Centre, Ludhiana, stated in her cross-examination that history at the time of admission of patient was allegedly a road side accident on 03.10.2018, around 09.30 P.M., there was a possibility that

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head injury could be caused when head struck on hard surface like a road and patient-Sandeep Yadav had been brought to the hospital by his father-Sham Bahadur Yadav, who is the complainant in the above-noted FIR. He further contends that the aforesaid three co-accused have since been granted regular bail by this Court vide orders dated 16.12.2019, 29.01.2020 and 06.03.2020 (Annexures P-7 to P-9, respectively). He also submits that the petitioner has been in custody since 08.10.2018.

On the other hand, learned State counsel opposing the submissions made by the learned counsel for petitioner, contends that the occurrence is of 03.10.2018 and during treatment, Sandeep Yadav succumbed to the injuries on 05.10.2018. However, he does not deny the custody period of the petitioner.

I have heard the learned counsel for the parties.

After hearing the learned counsel for the parties, this Court does not find any reason to decline the prayer of the petitioner as PW 1 Dr.Abha Sharma, Medical Officer, stated that history at the time of admission of patient was presumed to be a road side accident and there was a possibility that head injury could be caused when head struck on hard surface like a road, coupled with the fact that other co-accused have since been enlarged on bail and trial of the case would take time to conclude. The petitioner has been in custody since 08.10.2018 and, therefore, no useful purpose would be served by keeping behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his

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furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

Nothing stated above shall be constructed as a reflection on the merits of the case.

06.11.2020

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No