

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

CRM-M-35359-2020(O&M)

Date of decision: 09.12.2020

Raj Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Chopra, Advocate for the petitioner.

Mr. M.S. Nagra, AAG Punjab.

Mr. Tapish Gupta, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner seeks regular bail in FIR No. 115 dated 12.9.2017 under Sections 302/323/148/149 IPC registered at Police Station Julkan, District Patiala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. The petitioner was not named in the FIR, his name figured in the present case on the statement of Harmesh Kaur-sister of deceased-Harnek Singh. The petitioner has been in custody since 14.09.2017. Co-accused Buta Singh and Suresh Pal have been granted regular bail by this Court, vide order dated 05.10.2020.

He further submits that even Dr. Urvashi, Junior Resident, Department of Surgery, Rajindra Hospital, Patiala, while appearing in the witness box as PW-1, has stated that deceased Harnek Singh was admitted in the hospital on 09.09.2017 and remained under treatment till 11.09.2017. She further deposed that the patient was admitted with Cardiac Artery and hypertension disease and was having irregular treatment and the possibility of death due to the said diseases could not be ruled out.

Copy of custody certificate by way of affidavit dated 09.12.2020 of the Deputy Superintendent, Central Jail, Patiala, submitted by the learned State counsel through email, is taken on record.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 14.09.2017. Moreover, co-accused Buta Singh and Suresh Pal, have been granted regular bail by this Court, vide order dated 05.10.2020. 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

09.12.2020

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No