

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

220

CRM-M-35986-2020

Date of Decision: November 11, 2020

Sukha Singh @ Sukha

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

VIVEK PURI, J. (ORAL)

The matter has been taken up through video-conferencing in the light of the Pandemic COVID-19 situation and as per instructions.

The petitioner is seeking regular bail in case bearing FIR No. 59 dated 04.07.2018, under Sections 304/201/120-B IPC, registered at Police Station Khilchian, District Amritsar.

Briefly, the allegations against the petitioner are to effect that he along with co-accused had administered some intoxicant injection to Hakamjit Singh, son of the complainant, which resulted in his death.

It has been contended by the learned counsel for the petitioner that similarly placed co-accused Chamkor Singh has been granted bail by the Coordinate Bench of this Court in terms of the order dated October 29, 2019 passed in CRM-M-32662 of 2019 and as such, he became entitled to bail on the principle of parity.

On the contrary, it has been pointed out by the learned State counsel, on instructions from ASI Gurjit Singh, that the petitioner was declared

proclaimed Offender and he has surrendered on 1st February, 2020. The challan has been presented, the charges are yet to be framed and furthermore the earlier bail application of the petitioner was dismissed as withdrawn on August 14, 2020.

It is significant to note that the earlier bail application of the petitioner bearing CRM-M-21954 of 2020 was dismissed on August 14, 2020 and following order was passed:

“Case has been taken up for hearing through video-conferencing due to Covid-19 pandemic.

After arguing for some time, when the Bench was not agreeing with his submissions, learned counsel for the petitioner prayed that he may be allowed to withdraw this petition.

Dismissed as withdrawn”.

The hearing of the earlier bail application was also taken up through video conferencing on account of COVID-19 Pandemic. It is quite natural that the trial could not have proceeded on account of the restricted hearing of the Courts due to COVID-19 Pandemic. Furthermore, the case of the petitioner cannot be termed to be at par with that of the co-accused, particularly, because the petitioner had absconded, gone abroad and was declared proclaimed offender. Moreover, Chamkor Singh co-accused, was granted bail after he had undergone incarceration for a period of more than one year and three months. The charges against the petitioner are yet to be framed by the trial court. In these circumstances no ground is made out to extend the concession of the bail of the petitioner.

Accordingly, the instant petition is hereby dismissed.

November 11, 2020

Manju

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned :

Yes/No

Whether Reportable :

Yes/No