

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

CRM-M-41350-2020 (O&M)

Date of decision: 14.12.2020

Gurbinder Singh @ Gurbhinder Singh

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. H.S. Batth, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

The petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No. 217 dated 30.09.2020 registered under Sections 304 and 34 IPC at Police Station Sadar Patti, District Tarn Taran.

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. As per the prosecution, the complainant along with his father-Amrik Singh went to the matrimonial house of his sister-Balwinder Kaur, where his brother-in-law, namely, Gurbinder Singh @ Gurbhinder Singh-petitioner, inflicted injury to his father by giving fist blow on his chest whereupon his father fell down and became

unconscious, thereafter died in the hospital. The petitioner is still serving in the Indian Army. Now, a compromise has been effected between the parties on 22.10.2020, on the basis of which quashing petition bearing No. CRM-M-36727-2020 has been filed in the Hon'ble High Court wherein notice of motion has been issued for 11.01.2021. The petitioner has been in custody for the last more than 2 months.

Copy of custody certificate by way of affidavit dated 12.12.2020 of the Deputy Superintendent, Sub-Jail, Patti, submitted by the learned State counsel through email, is taken on record.

Learned State counsel, on instructions from ASI Gurpal Singh, submits that viscera report is still awaited, therefore, the cause of death is not ascertained and not disputed the fact that the complainant and the petitioner is closely related.

I have heard the learned counsel for the parties.

The petitioner has been in custody for the last more than 2 months. 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

14.12.2020
Mangal Singh

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No