

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

CRM-M-41336-2020 (O&M)
Date of decision: 14.12.2020

Abdul Khan @ Bablu

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rakesh Gupta, 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. 121 dated 03.08.2020 registered under Section 304 IPC at Police Station Kharar, District SAS Nagar (Mohali).

Learned counsel for the petitioner states that the petitioner has falsely been implicated in the present case. There is no concrete evidence to connect the petitioner with the alleged crime. As per the allegations, the petitioner along with co-accused took away Gurdarshan Singh (since deceased) to his house in an unconscious condition and the

cause of death is overdose of intoxicating substance. The petitioner has been in custody for the last more than 4 months and there is no other case pending or registered against the petitioner.

Copy of custody certificate by way of affidavit dated 14.12.2020 of the Deputy Superintendent, Central Prison, Patiala, submitted by the learned State counsel through email, is taken on record.

Learned State counsel points out that there is an eye witness i.e. Sarpanch of the village who had seen the petitioner along with Gurdarshan Singh (since deceased) before the alleged incident. He further submits that the petitioner, co-accused and Gurdarshan Singh (since deceased) were habitual consumers of intoxicant.

I have heard the learned counsel for the parties.

The petitioner has been in custody since for the last more than 4 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