

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

**Criminal Misc. No.M-2274 of 2021
Date of Decision: 21.01.2021**

...Petitioner(s)

Kasim

Vs.

State of U.T., Chandigarh

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Vivek Goyal, Advocate
for the petitioner.

Mr. Anshu Mohan Punchhi, PP.U.T., Chandigarh with
Mr. Anupam Bansal, APP., U.T., Chandigarh

Mr. Sumit Bajaj, Advocate
for the complainant.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.144 dated 16.8.2020 under Section 304 read with Section 34 IPC registered at Police Station East, Sector 26, Chandigarh.

Mr. Sumit Bajaj, Advocate has filed the power of attorney on behalf of the complainant in Court. The same is taken on record.

Learned counsel for the petitioner contends that the petitioner is in custody since 17.8.2020. He further submits that at the most the allegations against the petitioner are that he had given kicks and fist blows to the deceased

whereas, injury with the iron rod had been attributed to the co-accused.

Mr. Anshu Mohan Punchhi, PP., U.T., Chandigarh has opposed the grant of bail to the petitioner on the ground that the petitioner along with co-accused has caused death of the deceased-Mohammad Mustkeen as they had a common intention to cause death.

Heard learned counsel for the parties.

Admittedly, the petitioner was neither attributed any injury with any weapon nor any weapon was recovered from the possession of the petitioner. The allegations levelled against the petitioner are that the petitioner had given kicks and fist blows to the deceased. As regards the allegation regarding common intention, the same is to be established during trial. The deceased died due to head injury, and this injury is not attributed to the petitioner.

Considering the fact that the petitioner is in custody since 17.8.2020, coupled with the fact that trial in the case may take long time, I deem it appropriate to release him on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, the observations made hereinabove shall not be construed as any expression on the merits of the case.

January 21, 2021
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Whether speaking / reasoned?
Whether reportable?

(HARI PAL VERMA)
JUDGE
Yes / No
Yes / No