

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Through Video Conferencing)**

CRM-M-10379-2021

Date of Decision: 12.03.2021

AMRIT LAL

.....*Petitioner*

V/s.

STATE OF PUNJAB

.....*Respondent*

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Raj Karan Singh Verka, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.246 dated 07.12.2020 (Annexure P-1) registered under Sections 306 of the Indian Penal Code, 1860 at Police Station Chheharta, District Amritsar, Punjab.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the FIR in question. He submits that in fact it was deceased-Gurnam Singh a Head Constable who had forcibly entered the house of the petitioner on 05.12.2021 in an inebriated condition and tried to misbehave with him and his family as a result thereof, they were compelled to report the matter to the Police Station whereby the deceased was reprimanded by the senior Police Officials.

Learned counsel for the petitioners submits that a perusal of the FIR also reveals that the complainant had alleged that an altercation had taken place between the deceased and the petitioner and his family and the matter was reported to the Police Post and it had also been alleged that the brother-in-law of the complainant i.e. deceased had died due to the beatings

given by the accused party which was contrary to the case as later on set up by the prosecution that the deceased had committed suicide. It has, therefore, been submitted that the basic ingredients to attract the mischief of Section 306 of the IPC are clearly amiss in the case in hand. Thus, a prayer has been made to extend the concession of bail to the petitioners as similarly situated co-accused namely Pooja and others have since been granted the concession of bail by this court vide order dated 09.02.2021.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioners, on instructions from SI Pawan, has apprised this Court that the charges are yet to be framed before the trial Court. It has further been submitted that the delay in conclusion of the trial has been on account of the outbreak of pandemic COVID-19.

Heard.

In view of the submissions made by learned counsel for the parties and the fact that petitioner has been in custody since 08.12.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

March 12, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>