

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

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CRM-M-12335-2021

DATE OF DECISION: 14.10.2021

SAHIB SINGH ALIAS SABA ... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. R.K. Arya, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Ms. Sukhveer Kaur, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.0202 dated 28.11.2017, under Sections 302, 450 and 34 IPC, registered at Police Station Ajnala, District Amritsar.

Learned counsel for the petitioner contends that it is alleged in the FIR that the petitioner who was armed with a stick had given a solitary blow on the head and nose of the deceased. The incident is outcome of a sudden altercation between the parties. The petitioner is in custody for over 3 years and 10 months. He also contends that it is debatable as to whether offence under Section 302 IPC or Section 304 IPC would be made out. He is not involved in any other criminal case except one under the Prisons Act. He further contends that the complainant who is the brother of the deceased and the mother of the deceased in their deposition as PW-4 and PW-6 respectively, have not supported the prosecution case qua the involvement of the petitioner.

Learned State counsel, upon instructions from SI Narpinder Singh, contends that 10 out of 23 prosecution witnesses have been examined. He has filed custody certificate which indicates that the petitioner is in custody for a period of 3 years, 10 months and 11 days.

Ms. Sukhveer Kaur, Advocate has put in appearance on behalf of the complainant and states that the complainant does not object to the release of the petitioner on regular bail.

Heard.

In view of the above, especially when the petitioner is in custody for over 3 years and 10 months, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

14.10.2021

SwarnjitS

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No