

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-18172-2021

Date of decision: 19.05.2021

Sandeep Singh

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Bhrigu Dutt Sharma, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Sandeep Singh, stated to be aged 32 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.16 dated 18.2.2021, registered under Sections 304 of Indian Penal Code at Police Station Division No.1, District Ludhiana.

Learned counsel for the petitioner, by making reference to the pleadings in the petition, submits that even perusal of the FIR would show that on 18.02.2021, police had received an information that a dead body is lying in Nanda Hotel, Ludhiana. He secondly submits that it is a case where no injury was found on the dead body. Learned counsel further submits that importantly some syringes, one stroke, cigarette packet, lighter were

recovered from the room. He then makes reference to para 7 of the petition, to submit that as per the allegations in the FIR, after enquiry, the hotel records reveal that one unknown person had checked in on 16.02.2021 along with the deceased. He then submits that even the wife of the deceased had only mentioned that before leaving house, the deceased had informed that he is going to Chintpurni Mandir along with his friends. Learned counsel therefore submits that in these circumstances, the identity of the petitioner is highly disputed. He further submits that after the presentation of the challan, Chemical Examiners Report has come on 22.04.2021, which provides that on the observation of the Analyst, the result was **'Diacetylmorphine positive in contents of exhibit I'**. He therefore submits that the petitioner has been wrongly involved in the present FIR.

On instructions from L/ASI Maninder Kaur, learned State counsel submits that Viscera Report and Histopathology Reports are still awaited. He further submits that challan in this case was presented on 19.04.2021 and there are total of 10 witnesses but none has been examined till date. Learned State counsel is not disputing the factual position, however, opposes the bail on merits.

Faced with the situation, learned counsel for the petitioner submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some

time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

19.05.2021
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No