

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

CRM-M-18784-2021 (O&M)

Date of decision: 29.07.2021

Sunny Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Custody certificate filed by State counsel be taken on
record.

This petition for regular bail has been filed by petitioner
Sunny Sharma, an accused in FIR No.234 dated 02.11.2020, for
offences under Sections 304 and 34 IPC, registered with Police Station
City Kotkapura, District Faridkot.

Briefly stated the prosecution story is that, on 02.11.2020,
at about 7.00 AM, complainant Gurdarshan Singh received a
telephonic call from Sunny Sharma son of Vikramjit Singh and
Jagmeet Singh @ Jagga son of Moti Singh that son of the complainant,
namely, Akashpreet Singh was admitted in Guru Gobind Singh

Medical College in unconscious condition; as such, complainant along with his nephew Parminder Singh reached there; he came across Sunny Sharma and Jagmeet Singh outside emergency ward, who told him that they along with Akashpreet Singh had consumed liquor the previous night and had slept in the car outside house of Sunny Sharma; Akashpreet Singh became sick and on account of his serious condition, he was taken to Guru Gobind Singh Medical College and Hospital, Faridkot, where he had died; the complainant suspected that Sunny Sharma and Jagmeet Singh had poisoned Akashpreet Singh to death and they had intentionally not got him admitted in the hospital in time; on matter being reported to the police, formal FIR was recorded; both the accused were arrested in this case on 03.11.2020; on completion of investigation and other formalities, the challan against the accused is said to have been filed in the Court, which is pending with next date of hearing as 12.08.2021 for recording the prosecution witnesses.

Petitioner-accused had filed a petition for regular bail before the Court of Sessions at Faridkot. That application was assigned to Addl. Sessions Judge, Faridkot, who vide order dated 19.04.2021, dismissed, the same. As such, he has approached this Court craving for grant of similar relief, by way of filing the present petition, which is being resisted by the State counsel.

I have heard learned counsel for the parties besides going through the record.

As per prosecution story, the deceased was administered

poison by Sunny Sharma and Jagmeet Singh, however, as pointed out by learned counsel for the petitioner in terms of the report of Chemical Examiner, copy of which has been placed on record as Annexure P-2, no poison was detected in the viscera of the deceased, which had been sent there. It being so, the prosecution story becomes doubtful. The submission of learned counsel for the petitioner that the petitioner had died on account of excessive consumption of liquor cannot be brushed aside lightly. Nevertheless, the guilt of the accused shall be determined during the trial. The conclusion of trial is likely to take considerable time, more so, when functioning of the Courts had been adversely affected on account of outbreak of second wave of COVID-19. Though, in terms of the custody certificate filed by State counsel, the petitioner is shown to be involved in another criminal case bearing FIR No.205 dated 11.11.2019, registered under Sections 457, 380, 411 IPC and Section 25 of Arms Act, at Police Station City, Kotkapura but he is shown to be on bail in the said case. Under the circumstances, I find it a fit case to grant benefit of regular bail to the petitioner. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of trial Court/CJM/Duty Magistrate, Faridkot, subject to the following conditions:-

- (i) he shall appear in the Court on each and every date of hearing;
- (ii) he shall not give any threat or intimidation to the prosecution witnesses;

- (iii)he shall not indulge in any criminal activity;
- (iv)he shall not leave India without prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard;

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

29.07.2021
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(H.S. MADAAN)
JUDGE

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