

CRM-M-22415-2021

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

CRM-M-22415-2021

Date of decision:08.09.2021

Harpreet Singh alias Manga

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sangram S. Saron, Advocate and
Ms. Surabhi Kaushik, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Saurabh Arora, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.206 dated 08.06.2019, registered at Police Station Phillaur, District Jalandhar Rural, under Sections 306 and 34 IPC and Section 302 IPC (added subsequently).

Learned counsel for the petitioner contends that initially, the present FIR was got registered under Sections 306 and 34 IPC, but after 05 days of the alleged occurrence, the offence under Section 302 IPC was added to the present case on the statement of one Avtar Singh. It is further contended that as per the post-mortem report, there was no external injury on the person of the deceased and that as per the report of the chemical examiner, no poison was detected in the viscera and further as per the opinion of the medical officer, no conclusive cause of death was there.

The petitioner has been in custody for the last 02 years, 02 months and 25

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days. It is further stated that co-accused, namely, Lovepreet alias Labha and Sukhwinder Kaur alias Goldy stand enlarged on bail by the learned Additional Sessions Judge, Jalandhar and this Court, vide orders dated 12.02.2020 and 20.04.2021 (Annexures P-7 and P-10, respectively).

On the other hand, learned State counsel, assisted by the learned counsel for the complainant, while opposing the submissions made by the learned counsel for the petitioner, submits that Section 302 IPC was added to the present case on the statement of one Avtar Singh, who had seen the occurrence. The case before the trial Court is fixed for 28.09.2021 and the material witnesses i.e. complainant-Gurmail Singh and Avtar Singh are yet to be examined.

I have heard the learned counsel for the parties.

Be that as it may, the fact remains that the petitioner has been in custody for the last 02 years, 02 months and 25 days. Trial is unlikely to conclude any time soon, especially due to Covid-19. Moreover, co-accused stand enlarged on bail, as noticed above. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

08.09.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No