

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

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CRM-M-18744-2019 (O&M)

Date of decision : 23.11.2021.

Ajay Kumar @ Pardeep Kumar

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Amandeep Singh Gill, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.50 dated 22.02.2018, under Sections 302, 120-B and 201 IPC registered at Police Station 'A' Division Amritsar, District Amritsar.

Learned counsel for the petitioner contends that it is alleged in the FIR that the petitioner had come to the house of the deceased and taken him away and on the next day, the body of the deceased was found lying in a pit next to the kitchen of the forest resort and the sole eye-witness, namely, Rohit has stated that he had seen the petitioner and the deceased, who were working as waiters, quarrelling at night in a drunken condition and the petitioner had hurled a brick bat on the head of the deceased. Learned counsel contends that hurling a solitary brick bat on the head of the deceased would not make out a *prima facie* case against the petitioner under Section 302 IPC. The petitioner is in custody for over three years and eight months and does not have any criminal antecedents.

Learned State counsel upon instructions states that 04 out of 23 prosecution witnesses have been examined. He has filed the custody certificate in Court, which indicates that the petitioner is in custody for 03 years, 07 months and 23 days as on 25.10.2021.

Heard.

In view of the above especially when the petitioner is in custody for over three years and eight months, he does not have any criminal antecedents, 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.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

November 23, 2021
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No