

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

**CRM-M-25506-2021
DECIDED ON: 9th JULY, 2021**

PRITAM SINGH @ BHOLU

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Rakesh Sobti, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking regular bail in case FIR No.86, dated 20th April, 2019, under Sections 302 read with 34 IPC, registered at Police Station Division 7, District Police Commissionerate, Ludhiana.

On the basis of a letter sent by the Central Jail, Ludhiana with regard to the death of one of the inmates Livtar Singh, the process was initiated and FIR was registered. Ultimately SIT was constituted and the matter is now in trial.

As per the case set up, Livtar Sing died due to strangulation and apart from Pritam Singh @ Bholu (Petitioner), Shakti @ Bhura, Sunny Khural @ Machhi were involved. It was a case where drugs were brought in the jail by hiding it in the rectum of Livtar Singh. When all the accused

alongwith Livtar Singh went to toilet to consume drugs there Livtar Singh

was strangled.

Learned counsel for the petitioner submits that petitioner is in custody since 26th April, 2019. No specific role is attributed. He further submits that there is no CCTV footage available with the prosecution of the incident. He points out the contradiction in the challan presented, to the effect that the incident was in the toilet and there is an instance of boiling of water in a bhatti.

Learned State counsel opposes the prayer for bail stating that there are two pending trials against the petitioner. She further submits that it was a case of death of an inmate within the jail premises. She refutes the contradiction relied upon by the counsel for the petitioner. She submits that all through, the word 'we' is used in report which includes the involvement of the petitioner also.

Considering the allegations and the facts of the case which involves the allegation of murder, use of drugs in jail, movement of drugs from outside to inside jail, the pendency of two cases against the petitioner is an indicator of his antecedents. Mere custody in itself would not be alone factor to grant bail. No comment is being made upon the contradiction as pointed out by the counsel for the petitioner in the challan, the same would be the subject matter of the trial. The contention that there is no CCTV footage of incident is noted to be rejected, as strangulation was in toilet.

The petition is dismissed.

(AVNEESH JHINGAN)
JUDGE

9th JULY, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>