

In virtual Court

CRM-M-23619-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-23619-2020 (O&M)

Date of decision: 11.01.2021

Ravi @ Tut

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. J.S. Thakur, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.98 dated 29.04.2017 under Sections 304, 34 IPC, registered at Police Station Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioner submits that the petitioner is in custody for the last about 03 years and 08 months and the case is still fixed for recording the prosecution evidence, as out of total 14 prosecution witnesses, 09 PWs have been examined so far. Learned counsel relies upon the order dated 16.06.2020 passed in CRM-M-13754-2020, vide which the similarly situated co-accused Samuel Masih @ Sem has been granted the concession of regular bail, by making the following observations: -

“Learned counsel for the petitioner while praying for bail

submitted that in the FIR, there was no specific allegations against the petitioner of having administered any intoxicant injection to the deceased and it was only subsequently that the mother of Paramjeet Kaur, deposed at the time of recording of her testimony in the Court that the petitioner had forcibly administered the injection.

Learned State counsel submits that nine prosecution witnesses already stand examined.

Heard.

The petitioner is in custody for the last two years. The trial may take a long time than expected in view of the Covid-19. The allegations against the petitioner are under Section 304 IPC. Taking into account the facts and circumstances of the present case as above and without commenting upon the merits, this Court deems it proper to grant bail to the petitioner. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate.”

Learned counsel for the petitioner further submits that since all the material witnesses have already been examined, there is no possibility of tempering with the prosecution evidence.

Learned State counsel has filed the custody certificate dated 10.01.2021 in the Court today and has not disputed the factual position.

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After hearing learned counsel for the parties, without commenting upon merits of the case and considering the fact that the petitioner is in custody for the last about 03 years and 08 months and his co-accused Samual Masih @ Sem has already been released on regular bail, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing his bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaq Magistrate, concerned.

Petition is disposed of.

11.01.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No