

In the High Court of Punjab and Haryana at Chandigarh

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**CRM-M-31851-2020 (O & M)
Date of Decision: December, 09, 2021**

AMRIT PAL SINGH @ SUKHA KAHLON

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Ranbir Singh Sekhon, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner is seeking regular bail in FIR No.256 dated 03.07.2018, under Section 365 IPC (Sections 302, 201, 216, 120-B IPC added later on), registered at Police Station Zirakpur, District SAS Nagar.

Learned counsel for the petitioner contends that in the challan, it has been alleged that the co-accused Lakhbir Singh had stated that when he and the deceased were alone and under influence of liquor, he had pushed the deceased on the bed and he sat on the head of the deceased on the pillow due to which he died. He further contends that later on, the co-accused Lakhbir Singh called the petitioner and the co-accused Rohit Kaura and they had helped him in the disposal of the dead body in a drain near Panipat. He, therefore, contends that prima facie case under Section 302 IPC would not be made out against the petitioner and as per the challan, only an offence under Section 201 IPC is attracted to the case of the petitioner. The petitioner is in custody for over 3 years and 4 months and does not have any criminal antecedents. He also contends that in the medical opinion, cause of death could not be ascertained.

There is no motive which is attributed to the petitioner.

Learned State counsel has filed affidavit of DSP, Sub Division, Zirakpur, District SAS Nagar wherein it is stated that the Medical Officer, who was asked to give opinion regarding the cause of death, had opined as under:-

“After perusal of PMR, FSL reports, I am of the opinion that no definite opinion as to the cause of death can be furnished.”

It is also stated that the co-accused Lakhbir Singh after the death of the deceased had called the petitioner and co-accused Rohit and 03 of them disposed of the body of the deceased. He also states that 09 out of 21 prosecution witnesses have been examined.

Heard.

In view of the above, especially when the petitioner is in custody for over 03 years and 04 months, 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 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.

(ANUPINDER SINGH GREWAL)
JUDGE

December, 09, 2021
A.Kaundal

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