

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(212)

CRM-M-40367-2021

Date of Decision : November 17, 2021

Subash Chander

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Saurav Bhatia, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.34 dated 04.05.2019 registered under Section 302 read with Section 34 of the IPC at Police Station Balachaur, District Shaheed Bhagat Singh Nagar.

Learned counsel for the petitioner submits that the petitioner is in custody for the last more than two and half years and keeping in view the fact that the other co-accused namely Sandeep @ Sanju and Vijay Kumar @ Shammi have already been granted the benefit of regular bail and anticipatory bail respectively by this Court, the petitioner, who is similarly situated as far as the allegations alleged in the FIR, is also entitled for the grant of regular bail on the ground of parity. Learned counsel for the petitioner further submits that in the present case, a report of the doctor has already come on record according to which, the cause of death of the

deceased is Asphyxia due to hanging, which is antemortem and no signs of

struggle were observed on the body of the deceased in the said report and no poison has been detected, which prima facie shows that it was a case of suicide by the victim. Learned counsel for the petitioner further submits that keeping in view the facts and circumstances of this case as they exist, the petitioner may kindly be extended the benefit of regular bail.

Learned counsel for the respondent-State does not dispute the findings recorded in the medical report, which have been mentioned hereinbefore as well as the fact that co-accused Sandeep @ Sanju has been extended the benefit of regular bail and another co-accused Vijay Kumar @ Shammi has been granted the benefit of anticipatory bail. Learned counsel for the respondent-State further submits that the assertion of the petitioner that it was a case of suicide is not correct as the findings are to be recorded by the trial Court on the basis of the evidence, which will come on record.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Innocence or the guilt of the petitioner as well as the other co-accused is to be determined on the basis of the total evidence while will come on record. Facts and circumstances which exist as of now including the fact that the petitioner is behind the bars for the last more than two and half years and the material witnesses such as complainant and the doctor concerned have already been examined. Co-accused namely Sandeep @ Sanju has already been extended the benefit of regular bail and another co-accused Vijay Kumar @ Shammi has already been granted the benefit of anticipatory bail.

As the trial is likely to take some time and the material witnesses have already been examined and the co-accused have already

been granted the benefit of regular bail and anticipatory bail as the case may be and the allegations against the petitioner as well as the other co-accused are similar in nature, the petitioner has made out a case for the grant of regular bail especially when this Court has been assured by the learned counsel for the petitioner that in case, the benefit of regular bail is extended to the petitioner, he will not misuse the same either to influence the trial or the witnesses in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

November 17, 2021*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No