

In the High Court of Punjab and Haryana at Chandigarh

225

CRM-M-36887-2020 (O & M)
Date of Decision: October 05, 2021

GUDDU

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Vishwajit Bedi, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

The petitioner is seeking regular bail in FIR No.256 dated 31.05.2018, under Section 302 IPC, registered at Police Station Salem Tabri, District Ludhiana.

Learned counsel for the petitioner contends that it is alleged that the petitioner is alleged to have given solitary blow with a knife on the chest of the deceased. The deceased was the brother-in-law of the petitioner as his sister is married to the deceased. It is alleged in the FIR that there was a sudden altercation between the parties as the deceased started fighting with his wife (sister of the petitioner) and started abusing her. The petitioner, who was present there, had given a solitary blow on the left side of the chest of deceased. The deceased was taken to the hospital by his wife and his father-in-law namely Jagdish, who is the father of the petitioner. He, therefore, contends that it was in a fit of anger that the petitioner had given a solitary blow with a

knife and even if the entire prosecution case is accepted, it would fall under Section 304 IPC and not under Section 302 IPC. The petitioner was 19 year of age at the time of occurrence and is in custody for over 03 years.

Learned State counsel has filed custody certificate which indicates that the petitioner is in custody for 03 years and 04 months. He upon instructions from ASI Satnam Singh states that 06 out of 17 prosecution witnesses have been examined.

Heard.

The petitioner is stated to have given solitary blow with a knife on the chest of the deceased. It is stated that there was a sudden altercation between the parties as the deceased started fighting with his wife, who is the sister of the petitioner. The petitioner is 19 year of age at the time of occurrence and he is in custody for over 03 years. Therefore, it would be in the interest of justice to release the petitioner on regular bail.

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

October 05, 2021
A.Kaundal

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