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

CRM-M-37545-2020

Date of Decision: 25.01.2021

Sukhjinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ankit Bishnoi, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. G.S. Ghumman, Advocate for the complainant.

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Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.56 dated 02.05.2016 registered under Sections 302 and 201 IPC, 1860 (Section 120-B IPC added later on) at Police Station Sadar, Sadar Samana, Patiala. The petitioner is in custody since his arrest on 30.07.2020.

The FIR in question was recorded on the basis of statement given by complainant Manzoor Singh, wherein it was alleged that his brother Hazoor Singh and nephew Gurpreet Singh s/o Hazoor Singh had gone to Samana in connection with financial transactions and did not return. It is alleged that their phones got switched off and were not traceable. By way of this information, assistance of police was sought to trace out the missing persons.

During investigation, a vehicle was found in the Bhakra Canal

and on recovering the same, two persons were found dead (one inside the

vehicle and other outside the vehicle). Upon recovery of dead bodies, inquest proceedings were carried, wherein the statement of Manzoor Singh complainant was recorded under Section 175 Cr.P.C., who had identified the deceased as his brother and nephew, named above. Thereafter, statement of Sukhjeet Kaur w/o Hazoor Singh was recorded, who had expressed suspicion upon co-accused Vishav Aman Singh in the alleged crime as there was loan transaction between accused and deceased Hazoor Singh and on the strength of the same, the co-accused was indicted as an accused. It is the case of the prosecution that some intoxicant substance was administered to the deceased through a cold drink as a half unconsumed bottle of coke was found in the vehicle.

Learned counsel for the petitioner has argued that the alleged occurrence took place on 19.04.2016 and the FIR was registered on 02.05.2016, wherein the petitioner was not named. According to him, after completion of investigation, a final report was submitted against only one accused, namely, Vishav Aman Singh, and during the pendency of the trial on 28.07.2020, the petitioner has been arraigned as an accused on the basis of criminal conspiracy. Learned counsel has produced the copy of the order dated 15.12.2018, releasing co-accused Vishav Aman Singh on regular bail. He prays for bail.

The prayer is opposed by learned counsel for the complainant on the ground that the petitioner being business partner of co-accused Vishav Aman Singh and was also involved in the alleged occurrence. According to him, the petitioner also participated in the crime and does not deserve the concession of bail.

On the other hand, learned State counsel assisted by ASI

Gurdev Singh does not dispute this fact that after framing of charges against co-accused Vishav Aman Singh, the further investigation was ordered and the petitioner was indicted as an accused. He further states that complainant Manzoor Singh has been examined. He, on instructions states that 41 witnesses remain to be examined before the trial Court.

Considering the above background, custody of the petitioner and the fact that the complainant has been examined as a witness before the trial Court, but still the trial would consume considerable time, therefore, further detention of the petitioner may not be justified. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Patiala.

The petition is allowed.

25.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No