

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

227

CRM-M-1746-2021 (O&M)

Date of decision : 15.12.2021

Sarabjit Singh @ Laddi

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Vishal Nehra, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.24 dated 22.03.2019, under Section 302 IPC, registered at Police Station Majri, District SAS Nagar.

Learned counsel for the petitioner contends that it is alleged in the FIR that while celebrating Holi, there was a sudden quarrel and the petitioner is alleged to have given a solitary blow with a *kirch* on the left flank of the deceased. No motive is attributed to the petitioner. The material witnesses including PW-1, who is the complainant and father of the deceased, PW-2 and PW-3, who are the eye-witnesses, have not supported the prosecution case qua the involvement of the petitioner. He has referred to their statements at Annexure P-2. He also contends that even if the entire prosecution case against the petitioner is accepted, it would be debatable as to whether offence under Section 302 IPC or 304 IPC would be made out. The petitioner is 27 year of age and is in custody for over two years and eight months. Only one case under the Prisons Act is pending against the petitioner and he has been acquitted in another FIR against him.

Learned State counsel upon instructions states that 03 out of 16 prosecution witnesses have been examined. She has filed the custody certificate in Court, which indicates that the petitioner is in custody for 02 years, 08 months and 17 days as on 14.12.2021.

Heard.

In view of the above especially when the petitioner is in custody for over two years and eight months, the material prosecution witnesses have not supported the prosecution case qua the involvement of the petitioner, the 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 instant 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.

Pending application, if any, shall also stand disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

December 15, 2021

sonia gugnani

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