

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

243

CRM-M-50985-2021

Date of decision : 17.12.2021

Gurjant Singh @ Sonu

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Amardeep Singh, Advocate for the petitioner.

Mrs. Amarjit Kaur Khurana, DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking regular bail in FIR No.104 dated 20.06.2020 under Sections 302, 34 IPC and Section 25 of the Arms Act, registered at Police Station Sadar Khanna, District Ludhiana.

Learned counsel for the petitioner contends that it was alleged in the FIR that the son of the complainant got injured when he had come out of the car to ease himself and his friends had revealed that he had consumed alcohol. His friends had got him admitted in the SPS hospital, Ludhiana and he is stated to have expired after seven days. He further contends that in the FIR itself, the complainant had stated that he does not suspect or grudge anyone. There is a delay of almost five months in registering the FIR and the petitioner was arraigned as an accused on the basis of his statement consequent to his arrest in FIR No.49 of 2020 under Sections 342, 393, 380 and 511 IPC and 3 of the PDPP Act, Police Station Sukhair, District Udaipur, Rajasthan. He also contends that there is no motive, which has been attributed to the petitioner.

After arrest of the petitioner in the instant case, no recovery of any incriminating article has been effected from him. The petitioner is 27 year of

age and is in custody for over one year and five months since his arrest on 13.07.2020. The complainant in his deposition before the trial Court as PW-1 has not supported the prosecution case qua the involvement of the petitioner. He also contends that co-accused Randhir Singh @ Dhira has been granted regular bail by this Court in [CRM-M-1708-2021](#) on 03.11.2021.

Learned State counsel, upon instructions from ASI Sukhwinder Singh, states that 01 out of 21 prosecution witnesses has been examined. She, however, is not in a position to controvert the submissions of learned counsel for the petitioner that the complainant in his deposition before the trial Court has not supported the prosecution case qua the involvement of the petitioner.

Heard.

In view of the above especially when the petitioner is 27 year of age, he is not named in the FIR, he is in custody for over one year and five months, the complainant has not supported the prosecution case, co-accused has been granted bail, 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.

(ANUPINDER SINGH GREWAL)
JUDGE

December 17, 2021

sonia gugnani

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