

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

203

CRM-M- No.4527 of 2022
DATE OF DECISION : 9th MAY, 2022

Amarjit Singh alias Amba

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

* * * *

Present : Mr. Shubreet Kaur, Advocate for the petitioner.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

Mr. Veneet Sharma, Advocate for the complainant.

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RAJBIR SEHRAWAT, J. (Oral)

The present third petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.69 dated 14.04.2018 (Anneuxre P-1) registered under Sections 307, 342, 506 and 34 IPC at Police Station Sadar Patti, District Tarn Taran.

It is submitted by counsel for the petitioner that initially the case was registered only under Section 307 IPC; and Section 302 IPC has been added after about one year, when the injured had expired. Still further it is submitted that since the injured had died after about one year of the alleged incident, therefore, the death cannot be correlated with the incident as such. The counsel has also pointed out that no cause of death of the injured has been specified so far, so as to justify invoking the Section 302 IPC in the matter. Moreover, the petitioner is in custody in the case for the past more than four years, however, no witness has been examined in the case. Even the complainant of the case has since

expired. The counsel has further submitted that investigation of the case stands completed much earlier. Hence, the petitioner is not required for any investigation purposes. There is no other case against the petitioner. Hence the petitioner deserves the concession of bail pending trial.

On the other hand, the counsel for the State, being assisted by counsel for the complainant; and being instructed by the police official has submitted that the petitioner is involved in heinous crime, involving death of a person. The counsel has also submitted that Section 302 IPC was rightly added on account of death of the injured. However, the counsel has not been able to dispute the fact that neither any witness has been examined so far; nor has any specific cause of death come out; so far; so as to justify invoking of Section 302 IPC, as such. It is also not disputed that the petitioner is in custody for more than four years as of now and that there is no other case against the petitioner.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9th MAY, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No