

SUKHDEV SINGH VS STATE OF PUNJAB

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG Punjab.

Mr. Amandeep Singh Talwar, Advocate for the complainant.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.91 dated 16.04.2021, registered under Sections 341, 342, 350, 364, 365, 506, 511 and 34 IPC, at Police Station Commissionerate Amritsar, District Amritsar.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that, initially, the brother of the petitioner was admitted to Gururam Dass Hospital, from where, on the asking of the complainant, he was shifted to Akashdeep Hospital, Amritsar; that brother of the petitioner died during treatment at said hospital, who was operated upon by the complainant and that the only allegation against the petitioner is that he along with other co-accused, while laying dharna, have kept the dead body outside the hospital and demanded money. He further submits that the petitioner has been in custody since 11.01.2022; that the alleged occurrence took place in the year 2017, whereas the present FIR has been lodged in the year 2021 and that the petitioner has moved an application/complaint dated 27.05.2017 to the concerned Police seeking legal action against the complainant.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel, on the instructions from ASI Vikram Singh, and assisted by learned counsel for the complainant, does not dispute the custody period of the petitioner. He, however, submits

that there are serious allegations against the petitioner and that the complainant is a Doctor by profession, who has been misbehaved by the petitioner along with other co-accused. He further submits that the petitioner had taken law in his hand; that, at one juncture, tried to kidnap the complainant and that there are total seven accused in the present case and only one has been arrested till date.

I have heard the learned counsel for the parties.

Indisputably, the brother of the petitioner died during treatment at Akashdeep Hospital on 26.05.2017. Incident pertains to the year 2017 whereas the FIR has been registered in the year 2021. The petitioner has been in custody since 11.01.2022. Out of total seven accused, only one had been arrested till date. Prosecution evidence is yet to commence. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

SHO, Sadar Amritsar, is directed to file an affidavit regarding the status of remaining accused, who have not been arrested till date.

Adjourned to 18.07.2022.

01.06.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE