

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

**CRM-M-20715-2022 (O&M)
Date of decision : 19.05.2022**

Jasveer Singh @ Seera

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gaurav Antwal, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG Punjab.

ALKA SARIN, J. (ORAL)

This is the third application for grant of regular bail to the petitioner in FIR No.158 dated 04.08.2020 (Annexure P-1) under Sections 304, 120-B of the Indian Penal Code, 1860, registered at Police Station Sangat, District Bathinda.

Earlier petitions filed by the petitioner being CRM-M-40603-2020 and CRM-M-14878-2021 were dismissed as withdrawn on 17.12.2020 and 25.08.2021, respectively.

Learned counsel for the petitioner would contend that the petitioner has been in custody since 08.08.2020. The challan stands presented in the present case on 19.10.2020 and charges were framed on 25.03.2021. However, the prosecution evidence is yet to commence. Learned counsel for the petitioner would further contend that the alleged incident is dated 16.10.2019 and FIR was lodged on 04.08.2020, after a

delay of 8 months. Learned counsel for the petitioner would further contend that the petitioner has been implicated in the present case only on the basis of the last seen theory that too on investigation alleged to have been carried out by the mother of the deceased. Learned counsel for the petitioner would further contend that there is no other incriminating evidence linking the petitioner to the incident. It is further the contention of learned counsel for the petitioner that there is no other case pending against the petitioner.

Custody certificate by way of an affidavit of Sh. ND Negi, Superintendent of Central Jail, Bathinda filed by the learned counsel for the State, is taken on record

Learned counsel for the State has contended that there are grievous allegations against the petitioner and as per the postmortem report, cause of death was opined as haemorrhage and shock resulting from injuries sustained antemortem which was sufficient to cause death in ordinary course of nature. Learned counsel for the State is, however, not in a position to deny the fact that the petitioner has been in custody for a period of one year and nine months and there is no other case pending against the petitioner. She is also not in a position to deny the fact that there is a delay of 8 months in lodging the FIR as also the petitioner has been implicated only on the basis of the last seen theory.

The petitioner has been in custody since 08.08.2020 and there is no other case pending against the petitioner. Further, there is a delay of 8 months in lodging the FIR and the petitioner has only been implicated in the present case on the basis of last seen theory. The trial is likely to take some time to conclude. No useful purpose would be served by keeping the

petitioner behind the bars any further.

Without commenting upon the merits of the case, I deem it to be a fit case to grant the concession of regular bail to the petitioner. The petitioner is directed to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate/Duty Magistrate/Trial Court concerned.

However, the Prosecution will always be at liberty to apply for cancellation of bail in case the petitioner is found to be misusing the concession of bail in any manner.

It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

Disposed off.

19.05.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO