

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

**CRM-M No.23944 of 2022
Date of Decision : 11.07.2022**

Jagtar Singh @ Safri

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kanwaljit Singh Brar, Advocate for the petitioner.

Ms. Rukhsaar Dhindsa, AAG 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 and 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Earlier petitions filed by the petitioner being CRM-M-40603-2020 and CRM-M-14878-2021 were dismissed as withdrawn on 17.12.2020 and 25.08.2021, respectively.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 in the present case was presented 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 10 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 and that there is no other incriminating evidence linking the petitioner to the incident. Learned counsel for the petitioner has relied on order dated 19.05.2022 passed by this Court in **CRM-M-20715-2022 (Jasveer Singh @ Seera vs. State of Punjab)** to contend that similarly situated co-accused has since been granted bail by this Court.

Custody certificate dated 11.07.2022 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 hemorrhage 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 more than 01 year and 11 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 10 months in lodging the FIR as also the fact that 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 10 months in lodging the FIR and the petitioner has only been implicated in the present case on the basis of last seen theory. Further, a similarly situated co-accused, namely, Jasveer Singh @ Seera, has been granted regular bail by this Court vide order dated 19.05.2022 passed in CRM-M-20715-2022. The trial is likely to take some time to conclude as evidence is yet to commence.

No useful purpose would be served by keeping the petitioner behind the bars any further.

Keeping in view the above facts and 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.

11.07.2022
jk

(ALKA SARIN)
JUDGE

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