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

**CRM-M No.39928 of 2021(O&M)
Date of Decision: 21.04.2022**

Swaran Singh @ Chapad

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his third attempt in case bearing FIR No.225 dated 02.12.2019 registered under Sections 304, 201, 34 IPC at Police Station Kotwali Kapurthala, District Kapurthala.

Earlier CWP No.15522 of 2020 was got dismissed as withdrawn on 14.07.2020. Thereafter, CRM-M No.1182 of 2021 was got dismissed as withdrawn on 14.01.2021.

The FIR was registered at the instance of Virender Kumar Kamboj with the allegations that his son namely Himmat

Kumar @ Honey had gone from his house on the motorcycle and did not return. His whereabouts could not be known despite search. DDR No.18 was recorded on 16.10.2019 in Police Station Division No.6. The complainant made necessary inquiries from his relatives, but could not get any information. The complainant came to know that the petitioner is habitual in selling intoxicants and his son had purchased intoxicants from him on many occasions. The complainant had suspicion that the petitioner along with some unknown persons had given excess dose of intoxicant to his son and killed him.

The dead body of the deceased has not been recovered in the instant case. Petitioner is sought to be implicated on the basis of recovery of motorcycle at his instance. Recovery of motorcycle has been effected from the bank of canal and the recovery memo does not carry signature of the accused. While appearing as PW-2, the complainant has refuted that he was knowing the accused earlier at any point of time. The name of the petitioner came to be disclosed by one Mohit, who has identified the petitioner to be the person, dealing in intoxicants. Petitioner is in custody since 03.12.2019.

Learned State counsel submits that out of total 19 prosecution witnesses, only 7 witnesses have been examined.

In view of custody of the petitioner and stage of the trial,

I deem it appropriate to enlarge the petitioner on regular bail without meaning anything on merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

21.04.2022	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No