

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

CRM-M-45892-2021

Date of Decision: 30.03.2022

SUKHA SINGH ALIAS SUKHA

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vinod K. Kaushal, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Custody certificate has been placed on record.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No.59 dated 04.07.2018 under Sections 304/201/120-B IPC (offences under 27/61/85 of NDPS Act was added later on), registered at Police Station Khilchian, District Amritsar Rural, Amritsar.

Briefly, the allegations against the petitioner are to the effect that he alongwith co-accused had administered some intoxicant injection to Hakamjit Singh, son of the complainant, which resulted in his death.

Learned counsel for the petitioner contends that the similarly placed co-accused, namely, Chamkor Singh, has been granted bail by the Coordinate Bench of this Court in terms of order dated 29.10.2019 passed in CRM-M-32662-2019.

Learned State counsel, on instructions from SI Bakshish Singh, states that the petitioner alongwith Chamkor Singh have been arraigned as accused and the other two persons were found to be innocent. Furthermore, the bail application has been mainly opposed on the score that the case of the petitioner cannot be termed at par with Chamkor Singh, particularly,

because the petitioner had absconded, gone abroad and was declared proclaimed offender.

It is no doubt true that the petitioner was declared proclaimed offender, but it has not been disputed that he remained proclaimed offender for a period of about 2½ months. Moreover, Chankor Singh, co-accused, has been granted bail after he had undergone incarceration for a period of about 01 year and 03 months.

Custody certificate indicates that the petitioner has undergone incarceration for a period of 02 years, 01 month and 26 days and is not involved in any other case. Furthermore, out of 23 witnesses, no witness has been examined till date.

Keeping in view the entire circumstances, sufficient ground are made out to extend the concession of bail to the petitioner. Accordingly, without making any observations on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

30.03.2022

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No