

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

219

CRM-M-51759-2021 (O&M)

Date of decision : 12.01.2022

AMAN KUMAR @ MOGLI

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Bhriagu Dutt Sharma, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.36 dated 05.03.2021 under Sections 304 and 34 of IPC, registered at Police Station Bhogpur, District Jalandhar.

Learned counsel for the petitioner argues that in the present case, the petitioner has been involved on the basis of the circumstantial evidence only and even during the investigation, nothing has come on record to support the said suspicion of the Investigating Agency that the petitioner has any role to play in the death of Rohit Pabhla, who was found dead in a sugar mill due to drug overdose. Learned counsel for the petitioner further submits that as the investigation is already over and the challan has already been presented and trial is likely to take some time before it concludes, the petitioner may kindly be extended the concession of regular bail.

On the last date of hearing, State counsel was directed to file a status report giving the material which has come on record, which connect the petitioner to the allegations alleged in the FIR. Today, a status report has been filed by the Assistant Superintendent of Police, Sub Division Adampur, Jalandhar, dated 06.01.2022, primarily retreating the allegations alleged in the FIR.

The learned State counsel on the basis of the status report which has

been filed today submits that as of now, the allegations against the petitioner are as submitted by the complainant. Learned counsel submits that a part from the allegations, nothing has been mentioned in the status report about the material which has come on record.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the facts and circumstances of this case, wherein, the petitioner has been involved in the present case on the basis of the suspicion raised by the parents of the deceased Rohit Pabla, coupled with the fact that even in the status report, nothing incriminating has been presented and the investigation is already over and the challan has already been submitted, no useful purpose will be achieved in keeping in the petitioner behind the bars during the entire period of the trial as the trial is likely to take some time before it concludes keeping in view the restricted working of the Courts due to the pandemic of Covid 19. Even the learned counsel for the petitioner has also undertaken before this Court, that in case petitioner is extended the concession of the regular bail, he will not influence the trial or the witnesses in any manner.

Without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of trial Court/Duty Magistrate concerned.

It is made clear that the guilt or innocence of the petitioner will be adjudged by the trial Court on the basis of the evidence which will come on record and nothing mentioned in this order shall be taken as an opinion on any aspect of the merits of the case in any manner.

12.01.2022
rimpal

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No