

**THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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1.	2023:PHHC:138857 CRM-M No.2280 of 2022 Date of decision: October 31 st , 2023
Sukhdev Singh alias Sabu	Petitioner
Versus	
State of Punjab	Respondent

2.	CRM-M No.7279 of 2022
Harjit Singh alias Lali and another	Petitioners
Versus	
State of Punjab	Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurpreet Singh, Advocate
for the petitioner (in CRM-M-2280-2022).

Mr. Rishu Mahajan, Advocate
for the petitioners (in CRM-M-7279-2022).

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions as they arise out of same FIR i.e. FIR No.150 dated 19.07.2021 registered under Sections 304/34/201 of the IPC at Police Station A Division, Amritsar.

2. Learned counsel for the petitioners submit that petitioner-Sukhdev Singh alias Sabu has been in custody since 21.07.2021, whereas petitioners-Harjit Singh alias Lali and Ajay Pal Singh have been in custody since 22.07.2021. It has been further submitted that 15 prosecution witnesses out of the 21 cited still remain to be examined and hence, there

is no likelihood of the trial concluding in the near future. Learned counsel have further submitted that all the material witnesses including the complainant as well as the Manager of the Hotel, wherein the deceased had checked-in along with the accused, had been examined. Hence, there is no likelihood that in case the petitioners were enlarged on bail, they would influence the witnesses or tamper with any material evidence.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the counsel opposite. It has been submitted that the deceased along with accused had checked into Hotel Nayyar Inn at Amritsar on 18.07.2021, where the deceased was allegedly provided with drugs; on account of overdose of drugs, the deceased met her end. Learned State counsel has, however, not disputed that the complainant as well as the sole material witness i.e. the Manager of the Hotel had since been examined along with the father of the deceased. He submits that the next date fixed before the trial Court is 07.11.2023 when some more prosecution witnesses are likely to be examined.

4. I have heard learned counsel for the parties and perused the relevant material on record.

5. The petitioners have been in custody for more than two years and there is no likelihood of the trial concluding in the near future. As not disputed by learned State counsel, the cause of death of the deceased is yet to be ascertained as the viscera report has still not been received.

6. In the facts and circumstances as enumerated hereinabove, coupled with the fact that all material witnesses stand examined and still further, the petitioners have clean antecedents, the instant petition is allowed. Petitioners be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Copy of this order be placed on the file of connected case.

October 31st, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes
Whether reportable	:	No