

215 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-19712-2023
DECIDED ON: 27th APRIL, 2023

AMANDEEP SINGH @ AMNA

PETITIONER

VERSUS

STATE OF PUNJAB

RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Ms. Anju Arora, Advocate
 for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 of the Code of Criminal Procedure, 1973 has been invoked for grant of regular bail to the petitioner in case FIR No. 52, dated 07.08.2022, under Sections 304/34 IPC and Section 27 of NDPS Act, registered at Police Station Sadar Rampura, District Bathinda.

2. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has further there is an un-explained delay of more than 18 hours meaning thereby, that the complainant took sufficient time for consultation and twisting the facts, as the son of the complainant reached at the house at about 11.30 a.m. on 06.08.2022 and the present FIR was registered at about 7.00 P.M. on 07.08.2022. The petitioner is in custody since 07.08.2022. It is asserted

that challan stands presented on 07.08.2022 and charges have been framed on 17.03.2023.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record. As per the custody certificate the petitioner has suffered incarceration for a period of 8 months and 18 days as of now and is not involved in the any other case of any nature whatsoever. He opposes the prayer made in the present petition stating that the petitioner was in the company of the petitioner and other co-accused and they brought the deceased in his house in unconscious condition. It is asserted that the report of the chemical examiner is still awaited and due to the absence of report it cannot be ascertained whether any intoxicating poisonous substance was given to the deceased or not.

4. Considering the afore-said facts and circumstances and particularly that there is an un-explained delay of 18 hours in lodging the FIR meaning thereby, there is every probability of false implication of the petitioner added with the fact that challan stands presented wherein, conclusion of trial shall take sufficient long time, nothing is to be recovered from the petitioner, this Court is of the considered view that no fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

5. The petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

6. The present petition stands allowed in view of the afore-said terms.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

27th APRIL, 2023
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- 1. Whether speaking/ reasoned : Yes / No
- 2. Whether reportable : Yes / No