

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

219. CRM-M No.3571 of 2024 (O&M)
Date of Decision:29.01.2024

Manpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Imran Farooqi, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in FIR No.62 dated 22.08.2023 registered under Sections 304, 34, 120-B IPC at Police Station Sherpur, District Sangrur.
2. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The allegation levelled by the complainant is that if the petitioner along with Akashdeep Singh had provided medical help to her son, he could have survived. It is further contended that no specific role was attributed to the petitioner. Furthermore, necessary ingredients for constituting an offence under Section 304 IPC are not made out. The petitioner is in custody since 22.08.2023 and the challan has already been presented, therefore, he is entitled for concession of bail.

3. Per contra, learned State counsel opposes grant of bail to the petitioner on the ground that there are serious allegations levelled against him.
4. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that no specific role or overt act has been attributed to the petitioner, who is in custody since 22.08.2023. The only allegation against the petitioner is that if the son of the complainant had been provided with medical help by the petitioner, his life could be saved. Furthermore in the postmortem report the cause of death could not be ascertained. Whether offence of culpable homicide not amounting to murder under Section 304 IPC is made out or not, is a debatable issue, which can be determined during the course of trial. The trial is likely to take some time to conclude and therefore, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate.
5. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

January 29, 2024
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No