

242

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-27193-2023 (O&M)
Date of decision: 11.01.2024

Satnam Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. K.S. Sidhu, Advocate
for the petitioners.

Mr. Mohit Kapoor, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J.

CRM-397-2024

Application for placing on record is allowed and annexures P-9
& P-10 are taken on record.

CRM-M-27193-2023

1. The petitioners are seeking concession of bail under Section 439 Cr.P.C. in case FIR No.80 dated 22.08.2021 under Sections 302, 120-B of the Indian Penal Code, 1860 (Offence under Section 302 of IPC stands deleted and offence under Section 304 of IPC added lateron) registered at Police Station Khalra, District Tarn Taran.
2. Learned counsel for the petitioners *inter alia* contends that false and fabricated case has been planted upon the petitioners for allegedly causing death of the deceased by inflicting kick blows on him. He submits

that as per the post mortem report of the deceased, the cause of death was heart attack and not any of the injuries that had been inflicted upon him. It has been further submitted that the investigation in the case in hand is complete as the challan stands presented and even the charges have been framed on 14.11.2023. There is no likelihood of the trial concluding in the near future, hence, they be extended the concession of bail, more so, since all the co-accused, who too have been attributed identical roles, have already been enlarged on anticipatory bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not been able to dispute that as per the post mortem report, the cause of death of the deceased was heart attack; it has also not been disputed that challan stands presented, however, none of the prosecution witnesses have yet been examined. Learned State counsel has also not disputed that identically placed co-accused have already been enlarged on anticipatory bail.

4. In the facts and circumstances as enumerated hereinabove, there is no possibility of the trial concluding in the near future, the instant petition is allowed. The 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.

11.01.2024*Satyawan***(MANJARI NEHRU KAUL)
JUDGE*****Whether speaking/reasoned: Yes/No******Whether Reportable: Yes/No***