

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3446 of 2020
Date of decision:09.12.2020

Reeta Mahant

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.S.Tiwana, Advocate
for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

The Court has been convened through video conferencing due to Covid-19 pandemic.

The petitioner is seeking regular bail in case FIR No.105 dated 30.12.2016 registered under Sections 302, 201, 120-B of Indian Penal Code, 1860 at Police Station Ghanaur, District Patiala.

Counsel for the petitioner has argued that the petitioner is not named in the FIR and was arrested on 16.08.2018, even though FIR (Annexure P-1) was registered on 30.12.2016. He has placed reliance upon the order dated 09.01.2020 (Annexure P-3) passed in CRM-M-9229 of 2019 titled as 'Kajal Mahant Vs. State of Punjab' to submit that co-accused has been granted the concession of regular bail by this Court and the case of the

petitioner is at par with that of Kajal Mahant. Counsel submits that application for grant of regular bail of the petitioner was rejected by the Sessions Court on 17.05.2019 on the ground that some material witnesses are yet to be examined. According to the counsel, material witnesses namely Simran Mahant, Raj Pal, Vicky and Bahadur Singh, have been examined between the period from October 2019 to January 2020. He further submits that the petitioner has been roped in on the basis of circumstantial evidence allegedly collected by the prosecution and there is no direct evidence to connect the petitioner with the crime. He submits that keeping in view the period of custody and the fact that the trial is likely to take time due to outbreak of virus, the petitioner deserves to be released on bail.

Per contra, State counsel has opposed the petition on the ground that the petitioner is the main accused and in connivance with co-accused, hatched the conspiracy to murder Kewal Singh. He submits that the case of the petitioner is on a different footing than that of co-accused. Upon instructions from SI Bahadur Singh, State counsel submits that 13 out of total 42 prosecution witnesses, have been examined.

I have considered the rival submissions of the parties.

Considering the fact that the petitioner is not named in the FIR and has been framed on the basis of the evidence collected by the prosecution during the course of investigation, involvement of the petitioner in the murder is debatable.

Keeping in view the above facts and circumstances, nature of allegations, the gravity of offence, the fact that material witnesses have been

examined and that the trial is likely to consume time due to spread of contagion, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

December 09, 2020
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No