

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-12877-2020 (O&M)
Decided on : 14.07.2020**

Tejinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Vipin Mahajan, Advocate
for the petitioner(s).

Ms. Rashmi Attri, Asstt. AG, Punjab.

MANJARI NEHRU KAUL, J.

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 190, dated 10.09.2019, under Sections 302, 201, 511 of IPC, registered at Police Station Civil Lines Police, District Batala, District Batala.

Learned counsel for the petitioner *inter alia* contends that the complainant and the petitioner are real brothers and the deceased Avtar Singh was their father. On account of a family dispute, the FIR in question was registered against the petitioner by the complainant. In fact, no such occurrence had taken place as alleged in the FIR. The deceased had slipped down from stairs and suffered injuries and as per the contents of the FIR itself, it was the petitioner, who had taken the deceased to the hospital for his treatment.

Learned counsel for the petitioner further contends that the petitioner has been behind bars since 10th September, 2019 and all the material witnesses including the complainant already stand examined. He further

submits that the material witnesses including the complainant did not support the case of the prosecution and were declared hostile.

Per contra learned State counsel while opposing the prayer made by learned counsel for the petitioner has not been able to controvert the factum of the complainant and other material witnesses turning hostile and not supporting the case of the prosecution.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been behind bars since 10th September, 2019, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. Accordingly, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 14, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*