

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

CRM-M No.13213 of 2020

Date of Decision : 06.07.2020

Vijay Kumar

.....Petitioner

Versus

Union Territory, Chandigarh

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Satinder Pal S. Dhaliwal, Advocate
for the Petitioner.

Ms. Aashima Mor, Asstt. Public Prosecutor, U.T., Chandigarh.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail in case FIR No.453, dated 30.11.2018, registered under Section 323, 341, 506 of the Indian Penal Code (earlier Section 326 of the IPC was added and later on Section 307 of the IPC was replaced with Section 326 of the IPC), at Police Station Sector 39, Chandigarh.

2. The grievance of the Petitioner is that he has by now remained in detention for 01 year, 06 months and 21 days, as can be seen from his Custody Certificate, issued today. But so far the prosecution evidence has still not commenced even though his similar Application filed under Section 439 Cr.P.C. was dismissed by the Ld. Additional Sessions Judge, Chandigarh more than 08 months ago, on 31.10.2019.

3. It transpires that evidence in the Ld. Trial Court is not being

recorded at present in the normal course due to the prevailing Covid-19 Pandemic.

4. In the above circumstances and without commenting upon the other merits of the case, at this stage, this Court is of the opinion that further detention of the Petitioner for an indefinite period is not justified. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

5. Disposed off.

July 06, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No