

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

**CRM-M-13643-2020 (O&M)  
Decided on : 14.07.2020**

Harpreet Singh @ Happy

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**PRESENT:** Mr. Lakhwinder Singh Mann, Advocate  
for the petitioner(s).

Ms. Rashmi Attri, Asstt. AG, Punjab.

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**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. 15, dated 05.03.2019, under Section 307 IPC (Section 302 IPC added later on) and Sections 25, 27 of the Arms Act, 1954, registered at Police Station Ghuman, District Batala.

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody since 22<sup>nd</sup> April, 2019, has been falsely implicated in the FIR in question. In fact, the FIR in question was initially registered against unknown persons by the complainant on 05.03.2019, with the allegations that her husband had been injured on account of fire shots. However, subsequently, on 22<sup>nd</sup> April, 2019, the complainant got recorded her supplementary statement under Section 161 Cr.P.C., wherein, she attributed a role to the petitioner, as a result of which, he was named as an accused in the alleged crime.

Learned counsel for the petitioner contends that it is a case of

false implication, which is evident from the fact that the complainant, while

deposing as PW-2 during trial, admitted that the petitioner was not known to her prior to the occurrence in question. Learned counsel for the petitioner has also referred to the testimony of PW-7/Karam Singh, annexed as Annexure P-5, before whom the petitioner allegedly made an extra judicial confession on 19.04.2019. He has submitted that PW-7 was neither a person of any authority and as per his own admission, the petitioner was unknown to him. Hence, in this background, he could not be said to be a reliable witness, more so, when he in his deposition also admitted that he did not even report to the police about the alleged extra judicial confession made by the petitioner to him.

Learned counsel for the petitioner has further contended that the trial has been proceeding at a very slow pace and only 3 out of the 27 prosecution witnesses cited so far have been examined till date. Hence, it is unlikely that the trial would conclude anytime in the near future. The complainant as well as two material witnesses already stand examined and hence, there is no likelihood of the petitioner influencing the witnesses in his favour.

*Per contra* learned State counsel while opposing the prayer made by learned counsel for the petitioner, has not been able to controvert the fact that the name of the petitioner figured for the first time only on 22<sup>nd</sup> April, 2019 in the supplementary statement of the complainant recorded under Section 161 Cr.P.C.

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 22<sup>nd</sup> April, 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*