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

**CRM-M-13635-2020
Date of Decision: 14.07.2020**

Barinder Singh @ Cheena @ Kaka

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vivek Sethi, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

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.237 dated 29.11.2019 (Annexure P-1), under Sections 304/34 of the I.P.C., registered at Police Station Goraya, Jalandhar Rural, District Jalandhar.

[2]. The petitioner was arrested on 30.11.2019. He has thereafter remained in custody. In the meantime, investigation against him has been completed and challan submitted.

[3]. It transpires that charges were framed in the Ld. Trial Court on 24.02.2020. Thereafter, evidence from the prosecution side could not be commenced on account of the ongoing COVID-19 Pandemic.

[4]. It has been highlighted on behalf of the petitioner that the FIR (Annexure P-1) lodged by the brother of the deceased is itself based on

hearsay as the complainant had no direct knowledge of the occurrence.

[5]. On 15.06.2020, this Court had deferred hearing of the case, in view of the fact that the date fixed before the Ld. Trial Court for prosecution evidence was on the very next day, i.e. 16.06.2020. The Court, therefore, decided to wait for recording of the complainant's statement on that date.

[6]. It, however, transpires from the order passed by the Ld. Trial Court on 16.06.2020 that the matter was adjourned for the purpose already fixed, without recording any evidence. The relevant order passed by the Ld. Additional District and Sessions Judge-IV on 16.06.2020 is set out below:

“In compliance of order number 13/SPL/RG/Misc. dated 29.04.2020 and further order number 18/SPL/RG/Misc. dated 08.05.2020 of Hon'ble Punjab and Haryana High Court and office order bearing endorsement number 1141-49 G/(F6) dated 31.05.2020 of Incharge District and Sessions Judge, Jalandhar and as lock-down in Punjab has been extended up to 30.06.2020, so present case stands adjourned to 18.07.2020 for the purpose already fixed. Parties/counsels be accordingly informed.”

[7]. In this view of the matter, considering the long detention undergone by the petitioner and the fact that evidence from the prosecution side has not yet commenced for no reason attributable to him, without commenting any further on the merits of the case, this Court is of the view that further detention of the petitioner for an indefinite period, at this stage, is not warranted.

[8]. In view of the above, the petitioner is ordered to be released on regular bail, subject to the appropriate terms and conditions to the satisfaction

of the Ld. Trial Court/Duty Magistrate, concerned.

[9]. Disposed off.

14.07.2020

Apurva

(SUDIP AHLUWALIA)
JUDGE

- 1. Whether speaking/reasoned: Yes/No
- 2. Whether reportable: Yes/No