

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

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Crl. Misc. M - 14720 (O&M)
DATE OF DECISION: 09.07.2020

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Chandan Kumar

.... Petitioner.

Vs.

The State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Charanpreet Singh, Advocate, for the petitioner.
Mr. Sidakmeet Sandhu, AAG, Punjab.

ALKA SARIN, J (Oral)

Heard through Video Conferencing.

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in FIR No. 56 dated 17.05.2019, registered under Sections 302/34 of the Indian Penal Code, 1860, at Police Station Meharban, District Ludhiana.

The allegations in the FIR are that one Walait Singh S/o of Gurcharan Singh, who is employed as a driver in the fields of Sunil Kumar Ahuja, on 17.05.2019 was returning from the Grain Market Salem Tabri to his Village at about 7:00 AM, when reached near the fields of his employer Sunil Kumar, he saw a dead-body of a woman. Thereafter, he informed the Sarpanch of the Village Avtar Singh and further gave a statement of the aforesaid alleged incident to the police and a FIR was registered against

CrI. Misc. M - 14720 (O&M)

-2-

unknown persons. The petitioner was nominated on the statement of Ramji Yadav and Santosh Kumar, who are father and brother of the deceased Reshma Kumari.

Learned counsel for the petitioner has, *inter alia*, contended that the case is based on circumstantial evidence and the FIR was lodged against unknown persons. He has further contended that he was nominated in the statement of Ramji Yadav and Santosh Kumar. He further contents that both PW-1 and PW-2 i.e Ramji Yadav and Santosh Kumar have not supported the case of the prosecution and have been declared hostile. The counsel for the petitioner would also contend that the petitioner has been in custody since 21.06.2019 and the trial is likely to take some time.

Per contra, learned State counsel has contended that serious allegations have been made against the petitioner and it is not a fit case for grant of bail. It has also been contended by the learned State counsel that the official witnesses are yet to be examined.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been behind the bars since 21.06.2019 and the trial is unlikely to conclude in the near future in view the current scenario in the wake of the outbreak of the COVID-19 pandemic, I deem it to be a fit case to grant concession of regular bail to the petitioner. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

However, the prosecution will always be at liberty to get the bail cancelled, in case the petitioner is found to be misusing the concession of bail in any manner.

July 09, 2020
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(ALKA SARIN)
JUDGE

Whether reportable	Yes/ No.
Whether speaking	Yes/No