

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-19604-2020
Decided on : 07.08.2020

Amarnath @ Mani

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.S.Rai, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.127, dated 27.07.2017 registered under section 302 and 34 IPC (Annexure P-1) at Police Station Payal, Distt Ludhiana.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question. As per the allegations levelled in the FIR, the petitioner is stated to have inflicted danda blows on the person of the deceased and also having administered some poisonous substance. However, no poisonous substance was detected in the Chemical Examiner's report which casts a serious dent in the case of the prosecution. He further contends that the petitioner is behind bars since 28.07.2017 and as on date, only sixteen out of the nineteen prosecution witnesses cited have been examined so far. It has also been contended that similarly situated co-accused have since been granted the concession of bail by this Court vide orders dated 06.02.2020 and 19.03.2020.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual submissions made by learned counsel for the petitioner. She on instructions from SI Manpreet Singh has apprised this Court that remaining prosecution witnesses are likely to be concluded on the next date of hearing.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 28.07.2017, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

07.08.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No