

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
208 (PROCEEDINGS THROUGH V.C.)**

CRM-M-20344-2020

Date of decision: 10.08.2020

LOVELY @ JAGTAR

...PETITIONER

V/S

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

Mr. B.S.Sewak, Addl. A.G. Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is the contention of the counsel for the petitioner that the case of the prosecution is based upon the circumstantial evidence and the extra-judicial confession which has been made by all the accused including the petitioner before one Sh. Rajwant Singh, Municipal Councilor, on 08.02.2018. His contention is that this Rajwant Singh appeared before the trial Court as PW-10 and has not supported the version of the prosecution. He contends that out of 33 witnesses, 10 witnesses have been examined, 6 having given up and one has died leaving 16 witnesses more to be examined. The trial is not likely to conclude in near future and, therefore, continuation of the petitioner in custody in the light of the main evidence i.e. the extra-judicial confession being not in favour of the prosecution would be of no use and the petitioner be granted the concession of bail. Reliance has also been placed upon the order dated 08.06.2020 (Annexure P-3) passed by this Court in CRM-M-12794 of 2020 titled as Lovepreet Singh @ Love vs. State of Punjab, decided on 08.06.2020 where the co-

accused of the petitioner, who was similarly placed as the petitioner, stands granted the concession of bail.

Counsel for the State, on the basis of the custody certificate, admits the fact that the petitioner, who was arrested on 12.04.2018, is in custody since then and as of now, he has completed 2 years, 3 months and 26 days. The factual assertions, as have been pointed out by the counsel for the petitioner, could not be disputed by him.

Having considered the submissions made by the counsel for the parties and keeping in view the facts and circumstances of the present case as the petitioner is in custody since 12.04.2018 having completed 2 years, 3 months and 26 days with the trial not likely to conclude in near future especially when the extra-judicial confession, which is alleged to have been made before Rajwant Singh, Municipal Councilor, PW-10, having not supported the case of the prosecution, the concession of bail, as prayed for, deserves to be granted to the petitioner especially when the co-accused has been so granted by this Court on 08.06.2020.

In the light of the above, the present petition is allowed.

Petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

Any observation made herein above shall have no bearing on the merits of the case during trial in any manner.

August 10, 2020
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No