

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

CRM-M-20420-2020
Decided on : 11.08.2020

Pardeep

..... 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.45 dated 23.03.2019 (Annexure P-1) registered under Section 302/201 IPC (Section 120-B IPC was added later on) at Police Station Model Town Distt Ludhiana.

Learned counsel for the petitioner inter alia contends that the petitioner is innocent and was implicated in the FIR in question only on the basis of alleged extra judicial confession made to PW-2 Raju. He further contends that during their deposition before the trial Court, PW-2 Raju and other material witnesses did not support the case of prosecution and were declared hostile. It has also been contended that the petitioner is behind bars since 29.08.2019 and there is no likelihood of the trial concluding in the near future due to the outbreak of pandemic COVID-19.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual

aspect of the submissions made by learned counsel for the petitioner. She on instructions from ASI Sita Ram has conceded that PW-2 Raju as well as the complainant and other material witnesses did not support the case of the prosecution and were declared hostile.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 29.08.2019, 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

11.08.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No