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

**CRM-M-20563-2020
Date of Decision: 07.09.2020**

Pawan Kumar

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Barjesh Kumar Sharma, Advocate,
for the petitioner.

Mr. Randhir Thind, 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]. The petitioner, therefore, is entitled to release on the ground of

parity with co-accused Barinder Singh @ Cheena @ Kaka, who in similar circumstances was ordered to be released on bail by this Court on 14.07.2020 in CRM-M-13635-2020.

[6]. 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.

[7]. 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.

[8]. Disposed off

07.09.2020

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**(SUDIP AHLUWALIA)
JUDGE**

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