

CRM-M-21137 of 2020

Date of Decision: 02.09.2020

Kapil Chhabra

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. J.S. Jaidka, Advocate, for the petitioner.
Mr. Sauravh Khurana, D.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

This petition has been filed under the provisions of Section 439 of the Cr.P.C. seeking 'regular bail' for the petitioner in case FIR no. 28, dated 10.03.2017, registered at Police Station Sadar, District Kapurthala, for the alleged commission of an offence punishable under Sections 302 read with Section 34 of the IPC.

On the last date of hearing, i.e. 13.08.2020, the following order had been passed:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

Learned counsel for the State seeks time to point out from the judgment of acquittal of the co-accused of the petitioner, that in fact some vital evidence was ignored.

Of course that may or may not have any bearing on this petition, with this petition seeking bail for the petitioner, with that judgment

not having been reversed so far at least, yet a gazetted officer is directed to file an affidavit in reply to the petition.

Adjourned to 02.09.2020.”

No reply has been filed by the State so far.

However, learned State counsel submits that the proceedings having been initiated earlier to declare the petitioner to be a Proclaimed Offender, he does not deserves to be admitted to bail.

Learned counsel for the petitioner however submits that the petitioner himself surrendered on 06.06.2019 and consequently, he was never declared to be a Proclaimed Offender, with him having remained in custody since that date, i.e. for about one year and three months now.

He further submits that the trial has not progressed at all, probably due to the COVID-19 pandemic and consequently, with the 'main accused' also having been acquitted by the trial court (even though an appeal against acquittal is still pending), the petitioner deserves to be admitted to bail.

Having considered the matter, in the aforesaid circumstances, with the petitioner having been in custody for one year and three months now, and he having surrendered earlier himself and further, with the trial not progressing presently at least, without making any comment on the actual merits of the case for or against the petitioner, the petition is allowed. The petitioner shall be admitted to bail upon his furnishing adequate bail bonds and surety bonds to the satisfaction of the learned trial court/Chief Judicial Magistrate/Duty Magistrate, concerned.

September 02, 2020

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Whether speaking/reasoned

Whether Reportable

(AMOL RATTAN SINGH)

JUDGE

Yes

No.