

Sr. No.205

**I N THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-21450 of 2020 (O&M)
DATE OF DECISION : 21.09.2020**

Bikramjit Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Tarun Veer Singh Lehal, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioner seeks regular bail in FIR No. 136 dated 13.09.2019, registered under Sections 302 and 460 read with Section 34 IPC, Police Station Batala, District Gurdaspur.

2. Aforesaid FIR was registered on the complaint of Kashmir Singh on 13.09.2019, whereby he apprised to the police about the murder of his brother Jagir Singh. The deceased was residing separately and doing labour work. He also informed the police that that his brother had been murdered by unknown person, who also looted the valuables lying in the house of his brother. FIR was registered. During investigation, petitioner and his co-accused Manjit Singh @ Goldy suffered extra judicial confession before Hartaz Singh admitting their involvement in the murder and looting Jagir Singh, along with their accomplice Gurjit Singh @ Shakti @ Baka.

The petitioner was arrested on 14.09.2019 and is stated to be in custody since then.

2. Learned counsel for the petitioner submits that there is no admissible evidence against the petitioner showing his involvement in the commission of offence. He further submits that Hartaz Singh, before whom the petitioner and his co-accused had made extra judicial confession, has been examined as PW1 and he has not supported the prosecution case. He has denied that the petitioner and his co-accused had ever made any extra judicial confession in this case. Counsel further submits that co-accused Gurjit Singh @ Shakti @ Baka has been granted bail vide order dated 16.06.2020 passed by this Court in CRM-M-13878 of 2020. On the ground of parity alone, the petitioner is entitled to same relief. He further submits that the petitioner is in custody for the last than a year. Trial will take a long time to conclude on account of pandemic.

3. Learned State counsel opposes the bail plea. On a query of Court he does not controvert that Hartaz Singh (PW1) has not supported the case of prosecution and that co-accused has already been granted the concession of regular bail by this Court. He also admits that presently trial is held up due to Covid-19.

4. The petitioner is in custody since 14.09.2019. The respective submissions of learned counsel for the parties are matter of trial. At this juncture, I am of the opinion that no useful purpose would be served by keeping petitioner in custody any more. The star witness of the prosecution has not supported the prosecution case and, therefore, prosecution is unlikely to succeed in proving its case against the petitioner. That apart, co-accused who was similarly situated has already been granted the concession of

regular bail. I find no reason why on the ground of parity alone petitioner be not granted concession of regular bail. That apart, trial is not likely to conclude anytime soon in view of current pandemic scenario. The Courts are currently working with restrictions due to Covid-19 pandemic and are taking up only urgent matters.

5. Taking wholesome view of the matter and without expressing any opinion on the merits of the case, the petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

6. Petition stands allowed accordingly.

September 21, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No