

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

CRM-M-21808-2020
Decided on : 14.08.2020

Jasbir Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Gursharan Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, 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.15 dated 05.03.2019 registered under sections 307, 302 (added later on) IPC, 1860 and Sections 25, 27, 54, 59 of Arms Act 1954 at Police Station Ghuman District Batala (AnnexureP-1).

Learned counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody since 22nd April, 2019, has been falsely implicated in the FIR in question. In fact, the FIR in question was initially registered against unknown persons by the complainant on 05.03.2019, with the allegations that her husband had been injured on account of fire shots. However, subsequently, on 22nd April, 2019, after about 48 days of the occurrence in question, the complainant recorded her supplementary statement under Section 161 Cr.P.C., wherein, she raised a suspicion qua the involvement of the petitioner in her husband's murder, as a result of which, he was nominated as an accused in the crime in question.

Learned counsel for the petitioner contends that it is a case of

false implication, which is evident from the fact that the complainant, while deposing as PW-2 during trial, admitted that the petitioner was not known to her prior to the occurrence in question. Learned counsel for the petitioner has also referred to the testimony of PW-7/Karam Singh, annexed as Annexure P-5, before whom the petitioner allegedly made an extra judicial confession on 19.04.2019. He has submitted that PW-7 was neither a person of any authority and as per his own admission, the petitioner was unknown to him. Hence, in this background, he could not be said to be a reliable witness, more so, when he too in his deposition admitted that he did not report to the police about the alleged extra judicial confession made by the petitioner to him.

Learned counsel for the petitioner has further contended that till date only 3 out of the 27 prosecution witnesses cited so far have been examined. Hence, it is unlikely that the trial would conclude in the near future. The complainant as well as two other material witnesses already stand examined and hence, there is no likelihood of the petitioner influencing the witnesses in his favour.

Per contra learned State counsel while opposing the prayer made by learned counsel for the petitioner, has not been able to controvert the fact that the name of the petitioner figured for the first time only on 22nd April, 2019 in the supplementary statement of the complainant recorded under Section 161 Cr.P.C.

Heard.

In view of the submissions made by learned counsel for the

parties and keeping in view the fact that the petitioner has been behind bars since 22nd April, 2019, and the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19, I deem it a fit case for grant of the concession of regular bail. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

14.08.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No