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

CRM-M-21968-2020 (O&M)

Date of decision :04.09.2020

Tinku Kumar

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Prashant Vashisth, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.85 dated 01.07.2017 under Section 304-B of the Indian Penal Code, 1860 registered at Police Station Dugri, Ludhiana City, Punjab.

Learned counsel for the petitioner has contended that there are no specific allegations against the petitioner in the FIR. He has further contended that the entire prosecution evidence has been concluded. He relies upon the order dated 20.09.2017 of this Court passed in **CRM-M-34256-2017** titled as **"Parveen V/s State of Punjab"**, whereby the co-accused, Parveen, has been granted bail.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab, is not in a position to deny that there are no specific allegations in the FIR against the petitioner. Learned counsel for the State is also not in a position to deny that the similarly situated co-accused, against whom also there were

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no specific allegations, had been granted bail by this Court almost three years ago.

I have heard learned counsel for the parties.

There are no specific allegations against the petitioner in the FIR. Further, the petitioner has already been in custody for over a period of three years. The co-accused, who is similarly situated, was granted bail by this Court vide order dated 20.09.2017.

Without commenting on the merits of the case and in view of the facts that the petitioner has been in custody for over a period of three years and the conclusion of the trial is likely to take some time especially in view of the current situation created by the Covid-19 pandemic and no useful purpose shall be served by keeping the petitioner incarcerated any longer, I deem this to be a fit case for grant of regular bail to the petitioner. The petitioner shall be released on bail on furnishing bail and surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

However, it is made clear that nothing observed herein shall be construed as an expression of opinion on the merits of the case. It would, however, be open for the prosecution to apply for cancellation of bail in case the petitioner is found misusing the concession of bail.

The present petition stands disposed off accordingly.

04.09.2020
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO