

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

Sr. No.215

CRM-M-23449-2020

Date of decision: 03.12.2020

Tarsem Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jasraj Singh, Advocate
for the petitioner.
Ms. Monika Jalota, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.46 dated 27.05.2019 registered under Sections 302 and 120-B IPC at Police Station Chhabewal, District Hoshiarpur.

Learned counsel for the petitioner inter-alia contends that the first version of the alleged eye-witness was that the petitioner had caused the death of the deceased by causing an accident by a car being driven by him but on the very next day the eye-witness changed his stand to say that the car was being driven by one Ali Hussain who caused the accident at the behest of the petitioner and therefore, the entire version of the eye-witness is to be discarded; the complainant and the eye-witness while appearing before the Trial Court have turned hostile; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody for the

last 1½ year; the co-accused Ali Hussain, who had approached this Court through CRM-M-9295-2020 – Ali Hussain @ Biru vs. State of Haryana, has been granted regular bail by this Court on 06.11.2020 and that since 16 prosecution witnesses still remain to be examined in the petitioner's trial the same is not likely to conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Learned State counsel, on instructions from ASI Rakesh Kumar, admits to the period of incarceration of the petitioner; there is no other criminal case in which the petitioner is involved; the complainant and the eye-witness in the case have turned hostile and that the co-accused has been granted regular bail by this Court but opposes the grant of bail to the petitioner on the ground that there is ample evidence on record to prove his guilt.

The fact that the complainant and the eye-witness turning hostile and other evidence on record shall be debated during the course of trial. However, there is no other criminal case in which the petitioner is involved; he has been in custody for the last over 1½ year; both the complainant and the eye-witness while appearing before the Trial Court have not towed the line of the prosecution; the co-accused Ali Hussain, who is alleged to have caused the murder of the petitioner's wife has been granted regular bail by this Court and that since 16 prosecution witnesses still remain to be examined in the petitioner's trial the same is not likely conclude in the near future especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be

released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

December 03, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No