

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

207

CRM-M-23982 of 2020

Date of Decision: 01.09.2020

(through video conferencing)

Rahul

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amandeep Singh Rai, Advocate
for the petitioner.

Ms. Bhawna Gupta, DAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No.45 dated 23.03.2019 under Sections 302 and 201 IPC (Section 120-B IPC added later on), registered at Police Station Model Town, District Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR in question and only on the basis of an extra judicial confession allegedly made to PW-Raju, he was nominated as an accused. He has further contended that all the material witnesses including the complainant did not support the case of the prosecution which rests on circumstantial evidence and were declared hostile. It has been further contended that the petitioner has been in custody since 31.08.2019 and the trial is unlikely to conclude in the near future. He has also apprised this Court that similarly situated co-accused has since

been extended the concession of regular bail by this Court, vide order dated 11.08.2020.

Learned State counsel, on instructions from ASI Sita Ram, while opposing the prayer of learned counsel for the petitioner, has admitted that the material witnesses did not support the case of the prosecution and were declared hostile. Further, she has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 31.08.2019 and due to the outbreak of the pandemic Covid-19, the trial is not likely to conclude in the near future, I deem it is a fit case to grant the concession of regular bail to the petitioner. Without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

01.09.2020
D.Bansal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No