

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

CRM-M-49445-2020
Decided on : 22.09.2020

Rajesh Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. J.S.Bains, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, 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.219 dated 15.06.2014 registered under Sections 324, 307, 326, 302, 148, 149 IPC at Police Station City Tarn Taran District Tarn Taran.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question. He further submits that the petitioner is in custody since 15.06.2014 and despite being behind bars for more than 6 years, the trial has not concluded. In the prevailing situation on account of the outbreak of the pandemic, there is no likelihood of the trial concluding in the near future. It has also been submitted that only a datar blow has been attributed to the petitioner on the right arm of the complainant, which is a non-vital part of the body. Learned counsel has apprised that the co-accused Rakesh Kumar @ Vicky, who was attributed the fatal blow on the person of the deceased, has since been extended the concession of bail by a coordinate Bench of this Court vide order dated 14.08.2020.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. She on instructions from ASI Maninderpal Singh has conceded that the fatal injury has not been attributed to the petitioner but to the co-accused, who has since been released on regular bail.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 15.06.2014, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. 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

22.09.2020

sonia

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No