

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

212

CRM-M-25269 of 2020

Date of Decision: 03.09.2020

(through video conferencing)

Sukhdev Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Nitin Sharma, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, 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.37 dated 15.06.2019 under Section 302 IPC and Sections 25/27 of Arms Act, 1959, registered at Police Station Jodhan, District Ludhiana Rural.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 20.06.2019 and as on date, only 5 out of 22 prosecution witnesses have been examined so far. He has further drawn attention of the Court to the testimonies of prosecution witnesses including the complainant and other alleged eye-witnesses to the occurrence who had not supported the case of the prosecution and were declared hostile during trial.

Learned State counsel while opposing the prayer of learned counsel for the petitioner, on instructions from ASI Baljinder Kumar, has admitted that the material witnesses including the complainant 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 20.06.2019, 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 concessions of regular bail to the petitioner. Therefore, 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.

(MANJARI NEHRU KAUL)
JUDGE

03.09.2020

D.Bansal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No