

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

Sr. No.215

CRM-M-25247-2020

DATE OF DECISION: 03.09.2020

RAJ KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Kartikeya Swaroop, Advocate, for the petitioner.

Mr. J.P. Ratra, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

The petitioner seeks regular bail in case FIR No. 05 dated 30.01.2018 registered at Police Station City Behram, District Shaheed Bhagat Singh Nagar, under Sections 302, 201 and 34 IPC.

2. Learned counsel for the petitioner submits that the petitioner has been in custody for over 02 and a half years. Although only 04 PWs remain to be examined, the trial is not likely to be concluded at an early date on account of on-going covid-19 pandemic. The only evidence against the petitioner is his extra judicial confession and thus, he may be granted regular bail.

3. Custody certificate dated 03.09.2020 has been submitted in Court. The same is taken on record. According to this certificate, the petitioner has undergone actual custody of 02 years and 07 months and there is no criminal case pending/decided against him.

4. Learned State counsel opposes the prayer for bail on the ground that the extra judicial confession of the petitioner as well as his disclosure statement resulted in recovery of the rope used for strangulating the deceased and some of his personal effects. Thus, there is sufficient evidence on record that the petitioner committed the murder. Regarding the stage of the trial, the statement of learned counsel for the petitioner has been accepted.

5. From the above, it is evident that apart from the extra judicial confession and disclosure statement of petitioner, there is no evidence on record which can be said to be clinching in nature. The petitioner has been in custody for 02 years and 07 months and the trial is not likely to be concluded at an early date on account of the on-going covid-19 pandemic. Thus, I deem it appropriate to grant him regular bail.

6. Accordingly, the petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

03.09.2020

Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No