

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

**CRM-M- 25137-2020 (O&M)
DATED 31.08.2020
(Heard through video Conferencing)**

Raj Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Harmanjit Singh Thiara, Advocate
for the petitioner.

Ms. Monika Jalota, D.A.G., Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.76 dated 06.05.2018, under Section 302 IPC registered at Police Station Sadar Jalandhar, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 09.05.2018. It is submitted that the petitioner has been falsely implicated in the present case as would be evident from the fact that all material witnesses have given their statements wherein they do not support the version of the prosecution. It is also contended that as the petitioner has undergone substantial period of custody, he is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer- SI Bhagat Bir Singh, opposes the grant of regular bail to the petitioner, while submitting that allegations against the petitioner are serious in nature, however, does not dispute the fact that the petitioner is in custody since 2018 and that the complainant and the material witnesses have turned hostile.

I have heard learned counsel for the parties.

In view of the restricted working of the Courts due to pandemic COVID-19 situation, the trial is likely to take some time and in view of the facts that the petitioner herein has been in custody since 09.05.2018 and out of total 16 witnesses 06 including the material witnesses have been examined whereas the complainant has turned hostile, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and heavy surety bond (considering the fact that the petitioner is not a resident of Punjab) to the satisfaction of concerned trial Court/Duty Magistrate.

August 31, 2020
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No