

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

**CRM-M No.26054 of 2019 (O&M)
Date of Decision.31.08.2020
(Heard through VC)**

Tirath Singh and another

...Petitioners

Vs

State of Punjab

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. K.B. Raheja, Advocate
for the petitioners.

Mr. H.S. Sitta, Addl.A.G., Punjab.

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JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.33 dated 29.03.2016 registered under Sections 307, 353, 186, 224, 323, 148, 149, 212, 216, 120-B IPC read with Sections 25, 27, 54, 59 of Arms Act at Police Station Kotwali, Nabha, District Patiala.

Counsel for the petitioner herein would contend that the petitioners have been apprehended in the aforesaid FIR on the basis of disclosure statement made by one of the accused. It is further contended that the petitioners have not been identified by two witnesses produced by the prosecution. He relies upon the affidavit of DSP, Nabha, District Patiala that has been furnished in the present proceedings itself wherein the State has not been able to show details of evidence collected against the petitioners. The petitioners are in custody since 02.04.2018/10.05.2018 and the trial is likely to take some time to conclude as 56 witnesses have been cited.

Learned counsel appearing for the respondent-State opposes the regular bail while submitting that no ground is made out for grant of regular

bail to the petitioners.

I have heard learned counsel for the parties.

Keeping in view the fact that the challan has already been presented and the petitioners have not been identified by HC Nirmal Singh and HC Deep Chand i.e. witnesses of prosecution, coupled with the fact that the trial is likely to take some time to conclude as due to COVID-19 situation, Courts are not working at their full strength and not taking up ordinary hearing matters, no useful purpose would be served in keeping the petitioners behind the bars. The instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

August 31, 2020

Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No