

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M-29400 of 2020

Date of decision : September 29, 2020

(Through Video Conferencing)

Manni Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Munish Puri, Advocate
for the petitioner.

Ms. Samina Dhir, DAG., Punjab.

Manjari Nehru Kaul, 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. 22 dated 25.2.2019 under Sections 363, 366 and 376 IPC registered at Police Station Division No.2, District Pathankot.

Learned counsel for the petitioner submits that the testimony of the prosecutrix annexed as Annexure P-2 lends credence to his false implication in the FIR in question, as the prosecutrix did not support the case of the prosecution before the trial Court, as a result of which she was declared hostile. He further contends that even in the statement recorded before the Court under Section 164 Cr.P.C no allegations whatsoever were levelled against the petitioner by the prosecutrix. He submits that the petitioner has been in custody since 27.2.2019 and all the material witnesses have since been examined. Since there is no likelihood of the trial concluding in the near future, he be extended the concession of regular bail.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner on instructions from ASI Harpreet Singh has conceded that the prosecutrix did not support the case of the prosecution during trial and was declared hostile.

Heard.

Keeping in view the fact that the petitioner has been in custody since 27.2.2019 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession 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.

(MANJARI NEHRU KAUL)
JUDGE

September 29, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No