

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

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**CRM-M No.31854 of 2020 O&M)
Date of decision:11.11.2020**

Pinka

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jatinder Singh Gill, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

CRM-27792-2020

Prayer in the application is for correcting the name of the petitioner from 'Pinka Singh' to 'Pinka'.

Notice of the application.

Mr. Saurav Khurana, DAG, Punjab, who is present through vide conferencing, accepts notice on behalf of the State. State counsel has not opposed the prayer made in the application.

Application is allowed.

Petitioner's name is ordered to be corrected.

Corrected memo of parties is taken on record.

Main case

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.51, dated 16.07.2015 registered under Sections 302, 452, 506, 148, 149 of the IPC at Police Station Shri Hargobindpur, District Gurdaspur.

Counsel for the petitioner submits that by judgment dated 01.07.2017, Annexure P-2, the co-accused have been acquitted by the learned Additional Sessions Judge, Gurdaspur since the prosecution witnesses had turned hostile. The petitioner was not aware of the pendency of the trial and since, he had not join the proceedings, he was declared as Proclaimed offender. Counsel argues that the petitioner was arrested on 20.03.2019 and is behind bars since then. The charges have been framed and the trial is under way but the same is not likely to conclude because of the outbreak of Corona Virus (Covid-19) as the courts are not functioning normally. He has placed reliance upon the order dated 17.09.2020, Annexure P-4, passed by this Court in CRM-M-19537-2020, ***Kala Vs. State of Punjab*** to submit that the co-accused, who is similarly placed as the petitioner, has been granted the concession of regular bail.

Per contra, State counsel has opposed the prayer made in the petition on the ground that the petitioner being a Proclaimed Offender does not deserve the concession of regular bail. However, he was not in a position to dispute the acquittal of the co-accused vide judgment, Annexure P-2. He has filed the custody certificate dated 16.10.2020, from which it transpires that the petitioner has undergone incarceration

for a period of 1 year, 6 months and 25 days.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, the fact that the other co-accused have been acquitted by this Court vide judgment, Annexure P-2, the factum that the case of the petitioner is at par with that of co-accused, Kala, who has been granted regular bail by this Court vide order, Annexure P-4 and the fact that the trial is likely to consume time due to spread of contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

11.11.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No