

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

210

**CRM-M-29266-2019  
Decided on : 17.12.2020**

Tinku

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

**(Through Video Conferencing)**

PRESENT: Mr. Bipan Ghai, Sr. Advocate with  
Mr. Deepanshu Mehta, Advocate and  
Ms. Harneet Pannu, Advocate  
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana  
assisted by ASI Jitender Singh.

Mr. M.S. Khillan, Advocate  
for the complainant.

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**MANJARI NEHRU KAUL, J. (Oral)**

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 1323, dated 08.12.2016, under Sections 148, 149, 302, 307, 341, 506, 120-B IPC and Sections 25, 54, 59 of the Arms Act, 1959, registered at Police Station City Karnal, District Karnal.

Learned Senior counsel for the petitioner *inter alia* contends that the petitioner has been in custody since 26<sup>th</sup> December, 2016 and prosecution evidence has not concluded, inasmuch as, 26 prosecution witnesses remain to be examined. It has been further contended that the only role attributed to the petitioner in the alleged crime is that he arranged for the accommodation of the main accused, while they were on their way to

commit the alleged crime. It has also been submitted that a perusal of the FIR in question reveals that the petitioner was not named in the FIR and he was nominated as an accused on the basis of the disclosure statement of main accused Kaptan Singh.

Learned Senior counsel has further submitted that due to the outbreak of pandemic COVID-19, the trial is getting delayed and there is no likelihood of the trial concluding in the near future, as time and again, extension of time is being sought by the trial Court to conclude the trial within the specified time as per directions of this Court vide order dated 06<sup>th</sup> November, 2019.

*Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has not been able to controvert the role attributed to the petitioner in the alleged crime and has submitted that out of 57 prosecution witnesses cited, 24 prosecution witnesses have been examined, which include the eyewitnesses and 07 prosecution witnesses have been given up.

Mr. M.S. Khillan, Advocate, has put in appearance on behalf of the complainant and submitted that the trial in fact is nearing completion, as only 11 prosecution witnesses remain to be examined, who are all formal nature.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of

trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

**(MANJARI NEHRU KAUL)**  
**JUDGE**

**December 17, 2020**

*J.Ram*

*Whether speaking/reasoned:*      *Yes/No*

*Whether Reportable:*              *Yes/No*