

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CRM-M No. 32982 of 2020

Date of decision : October 30, 2020

(Through Video Conferencing)

Habhej Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Vaibhav Narang, Advocate
for the petitioner.

Ms. Monika Jalota, DAG., Punjab.

Manjari Nehru Kaul, J (Oral):

This is the second petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 226 dated 13.11.2018 under Sections 302,148,149 IPC,1860 registered at Police Station Lopoke, District Amritsar Rural.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the FIR in question. The factum of his false implication is substantiated from the fact that all the three material witnesses including the complainant who were alleged to have been the witnesses of the occurrence did not support the case of the prosecution during trial and were declared hostile. He, thus, prays that he be extended the concession of regular bail as he has been in custody since 10.7.2019. He has further submitted that similarly placed co-accused have since been extended the concession of regular bail by this Court vide order dated

13.08.2020 in CRM-M-21460-2020 and by a co-ordinate Bench of this Court in CRM-M-16275-2020 decided on 19.7.2020.

Per contra, learned State counsel while opposing the grant of regular bail to the petitioner on instructions from ASI Kulbir Singh has conceded that all the material witnesses including the complainant did not support the case and were declared hostile during trial. She has also apprised this Court that the petitioner is similarly placed as the co-accused who were extended the concession of regular bail by this Court.

Heard.

Keeping in view the fact that the petitioner has been in custody since 10.7.2019 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

October 30, 2020
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Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No