

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

CRM-M-33366 of 2020.

Decided on:- November 02, 2020.

Rohit Kumar @ Aanda.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Deepak Gupta, Advocate
for the petitioner.

Mr. H.S. Sullar, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is the second petition filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in FIR No.123 dated 16.08.2015 under Sections 302 and 201 IPC and Section 25 of the Arms Act, 1959 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

The earlier petition filed by the petitioner along with other co-accused Paramjit Lal @ Panna i.e. **CRM-M-27467 of 2017** titled as **Rohit Kumar @ Aanda and another Versus State of Punjab** was dismissed as withdrawn vide order dated August 04, 2017 passed by this Court.

Learned counsel for the petitioner has argued that the petitioner is in custody for the last more than 5 years and 3 months and on the similar set of circumstances, co-accused Paramjit Lal has already been admitted on bail by this Court vide order dated 24.09.2020 passed in *CRM-M-28614 of 2020* titled as *Paramjit Lal Versus State of Punjab*.

Learned State counsel does not dispute the custody and the fact that the co-accused Paramjit Lal has already been admitted on bail by this Court. He further submits that as against total 24 witnesses cited by the prosecution, 17 witnesses have been examined so far.

I have heard learned counsel for the parties.

In view of the submissions made by learned counsel for the parties and considering the fact that the petitioner is in custody for the last more than 5 years and 3 months coupled with the fact that the FIR in the case was registered on 16.08.2015 and only 17 prosecution witnesses have been examined in the case so far, as against total 24 witnesses and the trial is not likely to be concluded in near future in view of prevailing COVID-19 pandemic, this Court finds that the petitioner deserves to be admitted on bail.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

It is made clear that in the event of his release, the petitioner shall report to the Police Station Sadar Hoshiarpur on every alternate Monday till the conclusion of the trial.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

November 02, 2020
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No