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

CRM-M No.35030 of 2020(O&M)

Date of Decision: 23.11.2020

Abhishek Bindra

.....Petitioner

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Brijesh Nandan, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in his third attempt in case bearing FIR No.153 dated 22.05.2015 registered under Sections 302, 201, 34 IPC at Police Station Dakha, District Ludhiana.

The FIR was registered on the statement of Sukhdev Singh Sarpanch with the allegations that on 22.05.2015 at 7 AM, he had gone for a walk from his house and was proceeding towards pucca road leading to Hambran road pull of Changna. At about 7:15 AM, he found an unidentified body lying in the

vacant land. There were injury marks on the body.

Learned counsel for the petitioner submitted that it is a blind murder and the petitioner has been implicated solely on the basis of alleged extra-judicial confession made by the petitioner and co-accused Sandeep Kaur before PW-2 Mohan Singh. Sandeep Kaur has already been granted regular bail by this Court vide order dated 28.10.2020 passed in CRM-M No.24982 of 2020. Even as per extra-judicial confession, the complicity of the petitioner cannot be spelt out. Petitioner is in custody since 25.05.2015 and there is no likelihood of culmination of the trial in near future due to situation arising out of Covid-19. He further submitted that statement of Harkomal Singh cannot be relied against the petitioner as the aforesaid witness is cousin brother of deceased Inderjit Singh. Mother-in-law of Sandeep Kaur has not been cited as prosecution witness even though she remained at home throughout. The involvement of the petitioner solely on the basis of extra-judicial confession before PW-2 Mohan Singh would remain debatable. He further contended that CRM-M No.6214 of 2018 filed by the petitioner was got dismissed as withdrawn on 25.07.2018. Second petition i.e. CRM-M No.27814 of 2020 was dismissed on account of non-mentioning of earlier petition in para No.14 of the aforesaid petition. In both the aforesaid cases, bail

application was not dismissed on merits. PW-2 Mohan Singh is not relative of deceased Inderjit Singh, rather he was student of father of deceased Inderjit Singh in the school. He pleaded ignorance about visit to the police station earlier to the occurrence.

Per contra, learned State counsel on instructions from IO submitted that the petitioner was having illicit relations with Sandeep Kaur and husband of Sandeep Kaur was the hurdle in the way of their illicit relations. She along with the petitioner killed her husband by pressing his throat and threw the dead body by the side of the road leading from Kailpur to Hambran.

Keeping in view the custody of the petitioner since 25.05.2015, stage of the trial and situation arising out of Covid-19 and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

It is made clear that in case of unnecessary delay in the trial at the instance of the petitioner, the State would be at liberty to seek cancellation of bail in accordance with law.

Nothing expressed hereinabove, shall be construed to be an expression of any opinion on merits of the case.

23.11.2020

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(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No