

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

223

CRM-M-35466 of 2020

Date of Decision: 01.12.2020

(through video conferencing)

Kundan Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Anterpreet Singh, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG, Punjab.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No.45 dated 23.03.2019 under Sections 302 and 201 IPC (offence under Section 120-B IPC was added later on), registered at Police Station Model Town, District Ludhiana.

Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and was implicated in the FIR in question only on the basis of alleged extra judicial confession made to PW-2 Raju. He further contends that during their deposition before the trial Court, PW-2 Raju and other material witnesses did not support the case of prosecution and were declared hostile. It has also been contended that the petitioner is behind bars since 25.03.2019 and there is no likelihood of the trial concluding in the near future due to the outbreak of pandemic COVID-19.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He, on instructions from ASI Sita Ram, has conceded that PW-2 Raju as well as the complainant and other material witnesses did not support the case of the prosecution and were declared hostile.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 23.03.2019 and due to the outbreak of the pandemic Covid-19, the trial is not likely to conclude in the near future, I deem it is a fit case to grant the concession of regular bail to the petitioner. 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 concerned.

(MANJARI NEHRU KAUL)
JUDGE

01.12.2020

D.Bansal

Whether speaking/ reasoned :	Yes/ No
Whether Reportable :	Yes/ No