

In the High Court of Punjab and Haryana at Chandigarh

**CRM-M No. 37234 of 2020 (O&M)
Date of Decision: 22.12.2020**

Sanjeev Kumar alias Sanju

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-30950-2020

This is an application under Section 482 CPC for preponement of the main case, which is fixed for hearing on 04.2.2021.

Notice of the application.

On the asking of the Court, Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice on behalf of the State.

Learned counsel for the applicant-petitioner prays that the date of hearing in the main case may be preponed from 04.2.2021 and the case may be taken up for final disposal today itself.

Learned State counsel does not have any objection to the prayer made by the learned counsel for the applicant-petitioner.

For the reasons mentioned in the application, the same is allowed.

Main case is preponed from 04.2.2021 and is taken up on board for hearing today itself.

CRM-30951-2020

This is an application under Section 482 Cr.P.C. for placing on record Annexures P-7 and P-8.

The application is allowed as prayed for. Annexures P-7 and P-8 are taken on record.

CRM-M-37234-2020

This is the second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 26 dated 13.3.2019 under Sections 365, 34 IPC and later on added Sections 302, 201 IPC registered at Police Station Mukerian, District Hoshiarpur.

Custody certificate by way of affidavit of Deputy Superintendent, Central Jail, Hoshiarpur has been filed through e-mail. Copy of the same is taken on record.

Learned counsel for the petitioner submits that the present FIR has been lodged by complainant Balkar Singh, whose brother Darshan Lal, an ex-serviceman, had been kidnapped and murdered. He further submits that it is a blind murder case and the petitioner is somehow sought to be falsely implicated on the basis of disclosure statement made by the accused and their extra-judicial confession allegedly made before Sukhdev Singh. Learned counsel further submits that the similarly situated co-accused Rahul Sharma has been granted regular bail by a Co-ordinate Bench of this Court on 09.12.2020. He further submits that the petitioner has been in custody for the last 01 year, 09 months and 03 days and out of 27 prosecution witnesses, 12 witnesses have been examined and 05 witnesses have been

given up.

On the other hand, learned State counsel has pointed out that on the basis of the disclosure statement of the co-accused, the dead body of Darshan Lal was recovered. He further submits that challan was filed on 20.8.2019. However, it has not been disputed that the similarly co-accused has been granted regular bail and the petitioner has been in custody for the last 01 year, 09 months and 03 days.

I have heard the learned counsel for the parties.

As per the custody certificate, the petitioner has been in custody for the last 01 year, 09 months and 03 days. The present case is based on circumstantial evidence and moreover, the similarly situated co-accused has been granted regular bail by a Co-ordinate Bench of this Court. Challan was presented on 20.8.2019 and out of 27 prosecution witnesses, only 12 witnesses have been examined. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

December 22, 2020
Gurpreet

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