

226-2

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

**CRM-M No.38157 of 2020
Date of Decision : 03.12.2020**

Muhamad Rafiq

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Ajay Pal S. Rehan, Advocate
for the Petitioner.

Mr. Sidakmeet Sandhu, Asstt. Advocate General, Punjab
for the Respondent/State.

Mr. Ankur Bansal, Advocate for
the Complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.203, dated 10th September, 2020, registered under Sections 306 and 34 of the Indian Penal Code, at Police Station Goraya, District Jalandhar.

2. With reference to the noting in Para No.4 of the order passed on the last date (24th November, 2020), Ld. Counsel for the Complainant has sent up copies of the Judgments of the Supreme Court in '**Ude Singh and others vs. State of Haryana**', 2019(5) R.C.R.(Criminal) 971 and '**Praveen Pradhan vs. State of Uttranchal and another**', 2012(4) R.C.R. (Criminal) 724, and of this Court in '**Amandeep Kaur vs. State of**

Punjab', 2013(1) R.C.R.(Criminal) 672.

3. It is however submitted by Ld. Counsel for the State that Challan against the Petitioner has already been submitted on 5th November, 2020 but the Charges are yet to be framed.

4. It is strange that this vital development was not reported to the Court by any side when the matter came up for consideration on the last date, even though the Challan was apparently submitted 19 days prior to that.

5. In this view of the matter, without commenting upon the other merits of the case, and considering the imprisonment already undergone by the Petitioner, as also keeping in view the fact that the trial is likely to take a considerable time to conclude in view of the on-going Covid-19 Pandemic, this Court is of the opinion that further detention of the Petitioner for an indefinite period, at this stage, is not called for. As such, he is ordered to be released on bail subject to the satisfaction of the Ld. Trial Court/Duty Magistrate concerned.

6. Disposed off.

December 03, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No