

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

205-1

**CRM-M-43972-2019 (O&M)
Decided on : 15.12.2020**

Rishi

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. A.P.S. Sandhu, Advocate
for the petitioner(s).

Mr. Saurav Khurana, DAG, Punjab
assisted by SI Jagjit Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 133, dated 13.08.2018, under Sections 302, 307, 452, 120-B, 34 IPC read with Sections 25, 27 of the Arms Act, registered at Police Station Islamabad, Amritsar.

Learned counsel for the petitioner submits that the petitioner has been in custody since 25th January, 2019 and only 02 out of the 46 prosecution witnesses cited so far have been examined till date. Hence, there is no likelihood of the trial concluding in the near future. He further contends that in fact, the false implication of the petitioner is evident from the fact that neither was he named in the FIR in question and subsequently when the complainant – PW1/Swaranjit Kaur, who admittedly is an eyewitness to the alleged occurrence, appeared before the trial Court, she came up with a contrary version and stated that the petitioner was standing outside at the time of alleged occurrence and he did not inflict any injury to the deceased or to the other two stamped witnesses.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Jagjit Singh, has submitted that the trial in the instant case has been delayed due to the outbreak of pandemic COVID-19. He has also not been able to controvert the submissions made by the opposite counsel with respect to the role attributed to the petitioner in the alleged crime.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioners, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 15, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*