

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

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**CRM-M-900-2021 (O&M)
Decided on : 23.02.2021**

Bhupinder Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. J.S. Thakur, Advocate
for the petitioner(s).

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Inderjit 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 petitioner in case FIR No. 104, dated 16.07.2019, under Sections 307, 324, 323 IPC (later on added Sections 302, 34, 148, 149 IPC), registered at Police Station Nakodar Sadar, District Jalandhar Rural.

Learned counsel for the petitioner submits that it is a case resting on circumstantial evidences, inasmuch as, neither was the petitioner named in the FIR in question nor even suspected of having committed the crime. He further submits that it was only after one year of the alleged occurrence on 10.05.2020, the name of the petitioner was nominated as an accused in the supplementary statement made by the son of the deceased namely Sher Singh @ Shera, who stated that the deceased was into black magic and on account of the same, the petitioner suspected that the marriage of his sister was not taking place and his father too had expired on account of the black magic performed by the petitioner. Learned counsel further submits that the evidence collected by the investigating agency is of weak nature and clearly hints at the false implication of the petitioner in the case in hand. Thus, a prayer has been made

to extend the concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Inderjit Singh, has submitted that charges have since been framed and prosecution evidence is likely to commence on 02.03.2021. He has, however, admitted that the FIR in question was registered against unknown persons and it was only in the supplementary statement of the complainant that the name of the petitioner surfaced for the first time on 10.05.2020.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that petitioner has been in custody since 09.06.2020, I deem it a fit case for grant of the concession of regular bail to the petitioner, 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 to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 23, 2021

J.Ram

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