

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

CRM-M-4920 of 2021.

Decided on:- February 09, 2021.

Harmanjit Singh alias Marbal.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Ms. Swati Verma, Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, A.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

This is the second petition under Section 439 Cr.P.C. filed by the petitioner for grant of regular bail in FIR No.82 dated 15.05.2017 under Sections 435, 436, 354-D, 379-B and 506 IPC registered at Police Station Sarabha Nagar, Police Commissionerate Ludhiana.

The earlier petition i.e. **CRM-M-25411 of 2018** titled as **Harmanjit Singh Versus State of Punjab** filed by the petitioner for the same relief was dismissed as withdrawn vide order dated January 11, 2019 passed by this Court.

Briefly stated, the allegations against the petitioner are that on 14.05.2017 when complainant Shiv Kumar Sharma along with his family was sleeping in his house, at about 12.00 O'clock in the night, the complainant

heard a blast. He went to the porch on the first floor of his house, where tainted glass was installed. The glass was found broken by hitting with stone. He further noticed acid on the car cover lying over there and acid on floor was creating bubbles and was causing a bad smell. He checked the CCTV footage installed in the house and noticed that a boy was throwing stone and acid in his house. When the complainant inquired about the boy from his family members, Sarthi Sharma, who is son of the complainant, told the complainant that the boy seen in the CCTV footage is Harmanjit Singh @ Marbal (petitioner herein).

Learned counsel for the petitioner has argued that the petitioner is in custody since 01.12.2017 and he has falsely been implicated in the present case. In fact, the petitioner was in love relationship with the daughter of complainant. Since it was not liked by the complainant and his other family members, the complainant got registered the present FIR against the petitioner. She has referred to the letter (Annexure P-2) written by the daughter of the complainant to support her contention that the petitioner and the daughter of complainant had otherwise love affairs.

Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. He does not dispute the custody of the petitioner, but submits that there are other cases registered against the petitioner. He has further informed this Court that as against 12 witnesses cited by the prosecution, only 2 witnesses have been examined before the trial Court so far.

I have heard learned counsel for the parties.

Without going into the status of other cases registered against the petitioner, but noticing the fact that in the present case, the petitioner is in custody for 3 years 2 months and 7 days, as reflected in the custody certificate, coupled with the fact that as against total 12 witnesses cited by the prosecution, only 2 witnesses have been examined and in this manner, the trial is not likely to be concluded in near future, this Court finds that no useful purpose would be served by detaining the petitioner in custody any more. Moreover, COVID-19 pandemic has also affected the Court proceedings adversely.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as any expression of opinion on the merits of the case. The trial Court shall decide the case without being influenced with these observations in any manner.

February 09, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No