

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

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**CRM-M-9410-2021
Decided on : 08.03.2021**

Pardeep Kumar alias Bura

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Vikram Bali, Advocate
for the petitioner(s).

Mr. Vishal Malik, DAG, Haryana
assisted by SI Gurdyal 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. 316, dated 18.05.2020, under Sections 120-B, 302, 34 IPC and Sections 25,54,59 of the Arms Act, registered at Police Station Sadar, Karnal.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the case in hand, which is evident from the fact that neither was he named in the FIR in question nor any role attributed to him. He submits that the petitioner was nominated as an accused on the basis of disclosure statement of co-accused Praveen, wherein, he stated that the petitioner was present at the spot when the alleged occurrence took place. Learned counsel has further submitted that the petitioner was arrested in the instant case on the basis of this disclosure statement, the evidentiary value of which is of a weak nature and thereafter petitioner was shown to have confessed on 18.06.2020, to having participated in the crime in question. Learned counsel has submitted that the confession allegedly made by the petitioner is inadmissible and hit by Section 25 of the Evidence Act, 1872. It

has been submitted that there is no likelihood of the trial concluding anytime in the near future, as only charges have been framed and evidence is yet to be recorded.

Per contra, learned State counsel has opposed the prayer and submissions of learned counsel for the petitioner. He has, however, not been able to controvert the fact that no overt act was alleged *qua* the petitioner in the alleged crime and only role attributed to the petitioner was showing his presence at the time of alleged occurrence.

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 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

March 08, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*