

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

Sr. No.209

CRM-M-6619-2020

Date of decision: 18.02.2021

Roop Lal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Sidakmeet Singh Sandhu, AAG,Punjab.

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DEEPAK SIBAL, J. (Oral)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.30 dated 03.03.2018 registered under Sections 302, 148, 149 and 120-B IPC and Sections 449 and 450 (added later on) at Police Station Sadar, District Hoshiarpur.

The petitioner alongwith his co-accused are being prosecuted for having murdered Seema Sharma and Harsh Sharma.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case; the prosecution had cited three eye-witnesses namely Rajinder Kumar, Heena Sharma and Kanta Devi, each of the afore-mentioned alleged eye-witnesses while appearing before the Trial Court have not towed the line of the prosecution; rather they have specifically stated that it was not the petitioner who had murdered Seema Sharma and Harsh Sharma; there is no other eye-witness; co-accused Premlata and Surinder Kaur, who are similarly situated as the petitioner have already been granted regular bail by this Court; two other co-accused Chanan Singh and Manjit Kaur have also been granted regular bail by this Court; the petitioner has been in custody for the last nearly 03 years; there is no other criminal case in which the petitioner is involved; since all the three alleged eye-witnesses have been examined before the Trial Court, therefore the petitioner is not in a position to influence the prosecution's

star witnesses and that the petitioner's trial in which 13 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he had murdered Seema Sharma and Harsh Sharma.

The petitioner has been in custody for the last nearly 03 years; except the present case there is no other criminal case in which the petitioner is involved; the only three eye-witnesses cited by the prosecution, while appearing before the Trial Court, have specifically stated that it was not the petitioner who had murdered Seema Sharma and Harsh Sharma; co-accused Premlata and Surinder Kaur who are similarly situated as the petitioner have already been granted regular bail by this Court; the star witnesses projected by the prosecution have already been examined and therefore, the petitioner is not in a position to influence them and the petitioner's trial in which 13 prosecution witnesses still remain to be examined is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Hoshiarpur, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

February 18, 2021
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No