

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

CRM-M-12028-2021

Date of Decision: 06.04.2021

SAHIL

.....Petitioner

V/s.

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present: Mr. Avtar Singh Bhatti, Advocate,
for the petitioner.

Mr. H.S. Sullar, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.269 dated 24.12.2019 registered under Section 306 of the Indian Penal Code, 1860 at Police Station Tanda, District Hoshiarpur, Punjab.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case in hand without there being any ingredient attracting the mischief of Section 306 of Indian Penal Code, 1860. He further submits that the petitioner has been in custody since 01.09.2020 and there is no likelihood of the trial concluding in the near future as only one out of total fifteen prosecution witnesses cited have been examined so far. He further submits that the complainant Amarjeet Singh who is none other than the father of the deceased-Manmeet Kaur, stands examined and has not supported the case of the prosecution as a result of which he was declared hostile. He further submits that in fact it is very evident that the petitioner had been nominated as an accused by the complainant on account of some

misguided suspicion as he had categorically stated in his deposition before the trial Court that the deceased would remain under depression for which she was taking medicines.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Manjeet Kumar, has not able to controvert the factum of the complainant not having supported the case of the prosecution and having hostile. He submits that the delay in the conclusion of the trial has been on account of outbreak of pandemic COVID-19.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 01.09.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the 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.

April 6, 2021

Ess Kay

**[MANJARI NEHRU KAUL]
JUDGE**

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>