

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 9591 of 2020 (O&M)
Date of Decision: 24.3.2021

Mohammad Ali

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mohd. Salim, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

CRM-26995-2020

The application is allowed as prayed for. Annexures P-4 to P-8 are taken on record.

CRM-M-9591-2020

The petitioner seeks regular bail in FIR No. 34 dated 22.4.2016 under Section 396 IPC registered at Police Station Bullowal, District Hoshiarpur.

Custody certificate by way of affidavit of Superintendent, Central Jail, Kapurthala dated 23.3.2021, has been filed, which is taken on record.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and has been implicated in the present case on the basis of extra judicial confession, allegedly made by him before Kulwinder Singh, Ex-Sarpanch of the village. He further submits that the

petitioner has no occasion to make the said alleged extra judicial

confession before the Ex-Sarpanch and that too after six weeks of the alleged occurrence. He further submits that the similarly situated co-accused Suleman has been granted regular bail by a Co-ordinate Bench of this Court in **CRM-M-8191-2021** on **01.3.2021** and the petitioner has been in custody for the last 04 years, 09 months and 10 days.

On the other hand, learned State counsel, assisted by ASI Inderjeet Singh, has opposed the bail application.

I have heard the learned counsel for the parties.

In the present case, co-accused Suleman has already been granted regular bail by a Co-ordinate Bench of this Court on 01.3.2021. As per the custody certificate, the petitioner has been in custody for the last 04 years, 09 months and 10 days. The trial will take time to conclude because of Covid-19 pandemic. No useful purpose would be served by keeping the petitioner behind the bars.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(HARNARESH SINGH GILL)
JUDGE

March 24, 2021
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No