

211 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-14573-2021
Decided on : 07.04.2021

Vijay Kumar @ Vijay Masih

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ritesh Pandey, Advocate
 for the petitioner.

Mr. P.S.Walia, AAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.125 dated 03.12.2019 registered under Sections 302, 364, 365, 377, 201, 34 IPC, 1860 and Sections 3 and 4 of POCSO Act at Police Station Dera Baba Nanak District Batala.

Learned counsel for the petitioner inter alia contends that the petitioner was nominated as an accused on the basis of a disclosure statement allegedly made by one Chanchal Singh before the police wherein he stated that the petitioner had helped the main accused, Sarabjit Kaur, in disposing the dead body of deceased Raja. Learned counsel further submits that not only the evidentiary value of such disclosure statement is of a weak nature but the said Chanchal Singh, who appeared as PW-3 before the trial Court, did not support the case of the prosecution and was declared hostile, which further lent credence to his false implication in the case in hand. It has also been contended that the petitioner has been in

custody since 13.12.2019 and 13 prosecution witnesses out of 23 cited have been examined so far and hence, there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Balbir Singh has not been able to controvert the factum of petitioner's name having been cropped up only during the disclosure statement of one Chanchal Singh, who was declared hostile by the trial Court. He has also not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner with respect to the alleged role of the petitioner.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 13.12.2019, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, 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.

(MANJARI NEHRU KAUL)
JUDGE

07.04.2021

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No