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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(through video conferencing)

CRM-M-17286-2021
Decided on : 19.05.2021

Jaspal Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. Sandeep Moudgil, Addl. AG, Haryana.

Manjari Nehru Kaul, J.

This is the second petition under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.199 dated 16.04.2018 registered under Sections 148, 149, 323, 325, 307, 302, 447, 511, 506, 120-B of IPC 1860 and Sections 25, 27, 54, 59 of Arms Act 1959 at Police Station Shahabad District Kurukshetra.

Learned counsel for the petitioner inter alia contends that a false case has been foisted upon the petitioner, which is evident from the fact that his name did not figure in the FIR in question and he was arrayed as an accused on the basis of disclosure statement of co-accused Kripal Singh, which was recorded after six days of the occurrence in question. Learned counsel further submits that though in the disclosure statement role was attributed to the petitioner of having fired from a gun, however, none of the material witnesses supported the case of the prosecution qua the role

attributed to the petitioner when they stepped into the witness box. Learned counsel submits that the evidentiary value of the disclosure statement allegedly made by co-accused is of a weak nature. It has also been contended that subsequent to an application under Section 311 Cr.PC having been moved, three prosecution witnesses were re-called for examination and they too did not attribute any role to the petitioner in the crime in question. Still further, it has been contended that the petitioner has been in custody since 05.05.2018 and only 23 out of 83 prosecution witnesses have been examined so far. Hence, there is no likelihood of the trial concluding in the near future. It has also been contended that similarly situated co-accused Parveen Kumar, Raj Babbar, Randhir Singh and others have since been granted the concession of bail by this Court.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He has also not been able to controvert the factum of material witnesses not supporting the case of the prosecution with respect to the allegations levelled against the petitioner.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 05.05.2018, 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.

19.05.2021
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(MANJARI NEHRU KAUL)
JUDGE

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