

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

249

1)

**CRM-M-23358-2021
Decided on : 29.06.2021**

Sukhwinder Singh @ Sukhu and others

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

2)

CRM-M-23589-2021

Taljinder Singh @ tejinder Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. G.B.S. Dhillon, Advocate
for the petitioner(s).

Mr. M.S. Nagra, AAG, Punjab
assisted by Inspector Prem Singh.

MANJARI NEHRU KAUL, J. (Oral)

This order shall dispose of the aforesaid two petitions, as the both petitions arising out of the same FIR.

The instant petitions have been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No. 180, dated 19.12.2020, under Sections 376-D, 379-B, 149, 506 IPC, registered at Police Station Dakha, District Ludhiana (Rural).

Learned counsel for the petitioners submits that the innocence of the petitioners is evident from the fact that two material witnesses i.e. the prosecutrix and her husband did not support the case of prosecution during the trial and were thus declared hostile. In support of his submissions, he has invited the attention of this Court to the respective testimonies of both the witnesses (i.e. prosecutrix and her husband) appended as Annexure P-1 & P-2, respectively, along with the present petition. Learned counsel for the

petitioner further submits that the petitioners are in custody since 19th November, 2020 and there is no likelihood of the trial concluding anytime in the near future, as 11 more witnesses remain to be examined in the case in hand.

Per contra, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner. He has, however, not been able to controvert the factum of the prosecutrix and her husband not supporting the case of the prosecution and having been declared hostile. He has further submitted that the remaining witnesses, which include the Doctor would be examined in the near future.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioners have been in custody since 19th November, 2020, I deem it a fit case for grant of the concession of regular bail to the petitioners, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petitions as such are allowed and the petitioners are admitted to bail to the satisfaction of 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

June 29, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*