

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

CRM-M-40387-2020
Decided on : 22.01.2021

Surinder @ Salinder

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Ramandeep Kaur, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, 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.107 dated 15.10.2019 registered under Sections 302 and 34 IPC,1860 at Police Station Khanauri District Sangrur.

Learned counsel for the petitioner inter alia contends that delay of almost one day in lodging of the FIR in question in the facts and circumstances of the case leaves no manner of doubt about a false and fabricated case having been foisted upon the petitioner. Learned counsel also contends that it could not be digested that the complainant, who is none other than the father of the deceased, on seeing his son being brought home dead in a Bolero car allegedly driven by the petitioner and co-accused themselves would have chosen not to report the matter to the police immediately. Learned counsel further submits that in addition to the abnormal delay in lodging of the FIR, there was no incriminating evidence on record to connect the petitioner with the alleged crime, more so, when it

is a case resting on circumstantial evidence and no motive has been given for the petitioner to commit the alleged crime. Learned counsel has thus, prayed for concession of regular bail since the petitioner has been in custody since 21.10.2019 and prosecution evidence has just recently commenced.

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 on instructions from ASI Gurdev Singh has apprised the Court that the delay in conclusion of the trial had occurred due to outbreak of Covid-19.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 21.10.2019, 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

22.01.2021
sonia

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