

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-42575-2020

DATE OF DECISION: 24.11.2021

AMARJEET @ BALU

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Parminder Walia, Advocate for the petitioner.

Mr. Kirpal Singh Thakur, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is regular bail in FIR No.0123 dated 04.10.2017, under Sections 148, 149, 302, 323 and 506 IPC, 1860, registered at Police Station Sector 20, Panchkula District Panchkula.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR. It is alleged in the FIR that the co-accused Bablu and others had stabbed the deceased in the stomach. He further contends that the petitioner has been arraigned as an accused on the statement of the co-accused. He also contends that the complainant was also allegedly injured in the incident. In his deposition before the trial court as PW-3, the complainant has not supported the prosecution case qua the involvement of the petitioner. The petitioner is in custody for over 4 years.

Learned State counsel, upon instructions from HC Joginder Singh, contends that 12 prosecution witnesses have been examined and 11 more are to be examined. He is not in a position to controvert the submission of the learned counsel for the petitioner that the complainant, in his deposition as PW-3, has not supported the prosecution case qua the involvement of the

petitioner. He has filed custody certificate which indicates that the petitioner is in custody for 4 years, 1 month and 17 days.

Heard.

In view of the above, especially when the petitioner is in custody for over 4 years and 1 month, the complainant has not supported the prosecution case qua the involvement of the petitioner, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

24.11.2021

SwarnjitS

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