

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

219

**CRM-M-44319-2020
Decided on : 08.01.2021**

Karan Kumar

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Lokesh Chander Aggarwal, Advocate
for the petitioner(s).

Mr. Bhupinder Beniwal, AAG, Punjab
assisted by ASI Daljinder Singh.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 234, dated 17.09.2018, under Section 406 IPC, registered at Police Station Rama Mandi, District Police Commissionerate, Jalandhar.

Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the case in hand, which rests on circumstantial evidence without there being any qualitative evidence on record to connect him with the commission of crime. It has been further contended that it is only on the basis of an alleged disclosure statement made by co-accused Shivam Sharma before the police, petitioner was nominated as an accused and thereafter recovery of one pair of gold earrings was shown to have been effected from an open space pursuant to the disclosure statement of the co-accused. Learned counsel has further submitted that the trial has been proceeding at a very slow pace and ever since the arrest of the petitioner on 04th October, 2018, only 04 out of the 19 prosecution witnesses cited, have

been examined so far. Thus, a prayer has been made to extend the concession of regular bail to the petitioner.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Daljinder Singh, has submitted that the delay in conclusion of the trial has been on account of the outbreak of pandemic COVID-19. However, he has not been able to controvert the factum of the name of the petitioner having been nominated as an accused on the basis of disclosure statement of co-accused Shivam Sharma.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, 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 petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 08, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*