

CRM-M-2745 of 2020

**213IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-2745 of 2020
Date of decision: 10.12.2020

Devender alias Ankit

.....Petitioner

vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Sukesh K. Jindal, Advocate, for the petitioner.
Mr. Kuldeep Tiwari, Addl. A.G., Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 439 Cr.P.C. the petitioner seeks the grant of regular bail in FIR No.64 dated 23.02.2019 registered under Sections 302, 201 and 34 IPC and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short “the SC/ST Act”) at Police Station Matlauda, District Panipat.

Briefly stated, the case of the prosecution is that on a statement made by one Jitender under Section 161 Cr.P.C. that in the night of 22.02.2019 he had seen a quarrel between the petitioner and Naveen on one side and deceased Ranbir on the other which resulted in the murder of Ranbir the afore-referred FIR was registered against the petitioner and Naveen.

Learned counsel for the petitioner submits that the petitioner has

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been falsely implicated in the case; he is not named in the FIR; the only evidence against the petitioner was the statement of Jitender made by him under Section 161 Cr.P.C., who while appearing before the trial Court as a witness for the prosecution has refused to toe the line of the prosecution; no recovery has been effected from the petitioner; there is no other criminal case in which the petitioner is involved; the petitioner is in custody for the last nearly one year and ten months and the petitioner's trial is likely to take a long time to conclude especially in the present circumstances when the world is facing Covid-19 pandemic.

Learned State counsel admits to the period of incarceration of the petitioner; the fact that there is no other criminal case against the petitioner and that the only eyewitness namely Jitender while appearing before the trial Court has turned hostile but opposes the grant of bail to the petitioner on the ground that he along with Naveen has committed murder of Ranbir and from Naveen the murder weapon has been recovered.

The only eyewitness in the case has turned hostile; there is no other criminal case in which the petitioner is involved; he has been in custody for nearly one year and ten months; no recovery was effected from the petitioner and the petitioner's trial is likely to take a long time to conclude especially in the present circumstances when the world is facing Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Panipat, the petitioner is directed to be released on

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bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

December 10, 2020
R.S.

(Deepak Sibal)
Judge

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No