

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

**CRM-M-6147-2020 (O&M)
Date of Decision:13.07.2020**

Anil Kumar @ Neeta

.....Petitioner

Versus

State of UT Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Vinod Ghai, Senior Advocate with
Mr. Sapan Dhir, Advocate for the petitioner.

Mr. Sumit Jain, AAP, UT Chandigarh.

TEJINDER SINGH DHINDSA J.(Oral)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Petitioner seeks benefit of regular bail pending trial in FIR No.443 dated 20.11.2018, under Section 452, 307 and 302 IPC, registered at Police Station 39, Chandigarh.

Counsel for the parties have been heard.

FIR came to be registered on the statement of Parkash Bahadur. Deceased in the present case is Rani Neelam Pal Singh, who was alleged to have been attacked with an hammer in the early morning hours on 20.11.2018 and having succumbed to her injuries on 01.12.2018.

As per version of the complainant, he used to work with the deceased who happened to be a social worker. On the morning of 19.11.2018 some unknown persons is stated to have been rung the door

bell and the deceased having opened the door, a person was talking to her. Thereafter, the deceased is stated to have instructed the complainant to go and bring the scooter of such person whose name was disclosed by the deceased as Neeta. The complainant having gone and upon returning heard noise from/within the house and upon entering the premises noticed that such person namely Neeta was assaulting the deceased with a hammer. Complainant's version further is that he was also attacked and thereafter relatives of the deceased residing in the neighbourhood came present and upon which the assailant ran away.

Petitioner was arrested on 21.11.2018.

The sole eye-witness introduced by the prosecution i.e. complainant Parkash Bahadur already stands examined as PW1 and has not supported the prosecution version.

Even though, it was the complainant's version that certain other relatives of the deceased had come present at the site and it is only thereafter that the assailant/accused/petitioner had run away yet out of the 25 prosecution witnesses cited by the prosecution, no such prosecution witness has been cited to support such version.

Even brother of the deceased has been examined as PW2 and has not supported the prosecution version.

It has further not been disputed that out of 25 prosecution witnesses cited only 4 have been examined till date.

The trial would take time to conclude. This would be more so on account of current Covid-19 situation where the trial proceedings are being adjourned from time to time.

In view of the above and coupled with the length of incarceration already suffered by the petitioner, he is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate, Chandigarh.

It is further clarified that the observations made in this order are only with regard to considering the prayer of the petitioner for grant of bail and would have no bearing on the merits of the case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

July 13, 2020

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