

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7205-2020 (O&M)

Date of Decision:-24.2.2020

Sandeep Kumar @ Deepa

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjeev Majra, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.6 dated 17.1.2019 at Police Station Radaur, District Yamuna Nagar under Sections 302 and 506 of Indian Penal Code, 1860.
2. The FIR was lodged at the instance of Gulshan Kumar, who is brother of the petitioner, wherein it has been alleged that Sandeep Kumar @ Deepa (petitioner) gave a blow with 'axe' on the head of complainant's wife resulting in her death.
3. The learned counsel for the petitioner has submitted that the FIR came to be lodged due to some misunderstanding and that infact when the complainant was examined in the Court, he had absolutely resiled from his statement as recorded in the FIR.

4. Opposing the petition, the learned State counsel has submitted that it is a case of single injury with an 'axe' on the head of deceased, which is duly reflected in post mortem report and the mere fact that the complainant has now resiled, would not affect the case of prosecution. It has, however, been informed that the petitioner has been behind bars since the last about 1 year and 1 month.
5. I have considered rival submissions addressed before this Court and have also perused the statement of complainant as recorded in the Court, wherein he had not supported the case of prosecution at all.
6. In view of the fact that the petitioner has been behind bars since the last about 1 year and 1 month and that the complainant has not supported the case of prosecution at all, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time.
7. The petition, as such, is accepted and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/ Chief Judicial Magistrate/Duty Magistrate concerned.

24.2.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No