

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
201**

CRM-M-7083-2020

DATE OF DECISION: MAY 29, 2020

Shri Bhagwan @ Monu

.....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASI

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Rajat Mor, Advocate,
for the petitioner.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

AUGUSTINE GEORGE MASI, J. (ORAL)

Petitioner has approached this court, praying for concession of bail during the pendency of trial.

It is the contention of learned counsel for the petitioner that on the date of alleged commission of offence i.e. 03.09.2020, the petitioner was admitted in hospital with a fracture as he had met with an accident. The medical records have been placed on record, including the discharge summary dated 03.09.2019 (Annexure P-2). He contends that the petitioner was not present at the spot and he has been involved in the commission of offence with the aid of Section 120-B IPC. Assertion has, thus, been made that the petitioner, who is in custody since 04.09.2019, may be granted the concession of bail as the trial is not likely to conclude soon.

On the other hand, learned counsel for the State contends that the petitioner is the person who had instigated and hatched the conspiracy for commission of offence. He, however, could not dispute the fact that the petitioner was not present at the spot when the murder of Mahant Yogender Nath had taken place. He also contends that the details of mobile conversation between the petitioner and his other co-accused indicate his involvement in the commission of offence. Reference has also been made to the FIR, which indicates his involvement. He further contends that till date charge has not been framed because one of co-accused, namely, Rohit @ Kalu has claimed himself to be a juvenile, which application is pending consideration.

I have considered the submissions made by counsel for the parties and on considering the facts and circumstances of the present case, I am of the view that concession of bail, as prayed for by the petitioner, deserves to be accepted for the reason that it is an admitted position that the petitioner was not present at the time of commission of offence. Further the petitioner had met with an accident and, therefore, obviously could not be present at the place of occurrence. Apart from that, charge has not been framed till date, may be because of pendency of application of co-accused, as has been referred to above. The petitioner admittedly is in custody since 04.09.2019 and the trial is not likely to conclude in near future.

The present petition is, therefore, allowed. The petitioner is directed to be released on bail to the satisfaction of the Trial Court/Chief Judicial Magistrate/Duty Magistrate/trial Court, Jhajjar.

Any observation made herein above is for the purpose of disposal of the present petition alone and shall have no bearing on the merits of the case during trial in any manner.

May 29, 2020
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

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