

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

(Heard through VC)

CRM-M-7399 of 2020 (O&M)
Date of Decision: September 25, 2020

Suraj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Dharamvir Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

JAISHREE THAKUR, 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.362 dated 09.08.2018, under Sections 302, 201, 404, 392, 34 of Indian Penal Code, registered at Police Station Shivaji Nagar, Gurugram, District Gurugram.

Learned counsel for the petitioner contends that the petitioner herein was taken into custody in the aforesaid FIR on 11.08.2018. Counsel for the petitioner submits that a reading of the FIR would not reflect his name as one who has murdered Om Parkash. It is argued that the petitioner has been nominated as an accused on the basis of CCTV footage, which was in fact sent to the CFSL and the report itself is inconclusive. It is also

argued that the petitioner has been nominated on the basis of the disclosure statement of the main accused namely Vicky. Furthermore, counsel for the petitioner would argue that statement of the complainant (brother of the deceased) has already been recorded in which he has not identified the petitioner herein as a perpetrator of the crime. It is also contended that out of total 26 witnesses, 13 witnesses have already been examined, inclusive of the complainant and trial is likely to take sufficient time to conclude because of limited working of the courts due to Covid-19 pandemic, as such, the petitioner is entitled to be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, by relying upon the fact that the petitioner himself surrendered and had suffered an extra-judicial confession showing his involvement in the crime. She also places reliance upon the reply filed by the respondent-State wherein, as per the tower location of the mobile phone of the petitioner, he was present at the spot.

I have heard learned counsel for the parties.

In view of the facts that the petitioner herein has been in custody since 11.08.2018; statement of material witness has been recorded and the courts are not functioning at their full strength due to Covid-19 pandemic, no useful purpose would be served in keeping the petitioner behind bars. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

September 25, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No