

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

CRM-M-12948-2020

Date of decision: 26.06.2020

Ushil @ Sushil

.... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

Manjari Nehru Kaul, J.

Due to the outbreak of Covid-19 pandemic, the case is taken up
for hearing through video conferencing.

Instant petition has been filed under Section 439 Cr.PC for
grant of regular bail to the petitioner in case FIR No.399 dated 29.06.2018
registered under Sections 302/34 IPC at Police Station Dadri Sadar, District
Charkhi Dadri.

Learned counsel for the petitioner contends that it is a case of
circumstantial evidence and it was only after two months of the crime in
question, the petitioner was named in the supplementary statement recorded
under Section 161 Cr.PC by the complainant – Rajinder Singh, brother of
the deceased. He further contends that the petitioner has been in judicial
custody since 08.07.2018 and as on date, only three out of the twenty one
prosecution witnesses cited have been examined so far. He also contends
that none of the three material witnesses including the complainant
examined by the trial Court have named the petitioner or attributed any role
to him during their deposition before the trial Court.

Learned counsel for the State, on the other hand, while opposing the prayer and submissions made by learned counsel for the petitioner has not been able to controvert the submissions of the learned counsel for the petitioner that only three out of 21 prosecution witnesses have been examined so far and that they have not attributed any specific role to him.

Heard.

Having considered the submissions made by either side and the fact that the petitioner has been behind bars since 08.07.2018, this Court does not find any reason to decline the prayer of the petitioner for grant of regular bail. It is unlikely that the trial would conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.06.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes
Whether reportable?	No