

Sr. No.210

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

CRM-M-13229 of 2020 (O&M)

Date of Decision: 10.06.2020

Subash

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana
(presence has been marked through Video Conferencing)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in case FIR No. 534 dated 24.12.2017, registered under Section 302 read with Section 34 IPC, Police Station Beri, District Jhajjar.

2. FIR in this case was registered on the statement of complainant Ramesh. It is alleged therein that on 23.12.2017, complainant along with his nephew Sumit had gone to water his fields and at about 9/10 PM, he though returned to his house, but Sumit continued watering the fields. In the morning, complainant came to know that Sumit was murdered. On inquiry, complainant came to know that accused Sanjay along with his wife Sonia, brother Subhash (present petitioner) and wife of Subhash had committed murder of Sumit.

3. Learned counsel for the petitioner contends that the petitioner is already in custody for about two years and six months. His co-accused,

namely, Sonia, Sahdev and Abhimanyu have already been granted bail by this Court vide orders dated 07.02.2019 and 22.07.2019 passed in CRM-M-55929 of 2018, CRM-M-12256 of 2019 and CRM-M-24615 of 2019 respectively. According to him, the material witness i.e. complainant has already been examined and the trial will take time to conclude due to ongoing Covid-19 Pandemic.

4. Learned State counsel, on the other hand, opposed the bail plea on the ground that pursuant to the disclosure statement a wooden baton has been recovered and human blood was detected thereupon. He further submits that as per prosecution allegations they murdered Sumit as they had doubt that the deceased was keeping an evil eye on the minor daughter of co-accused Sanjay and Sonia. On a query posed by this court that if any DNA test was carried out qua the blood sample found on the wooden baton, he replied in negative.

5. The petitioner is in custody for about two years and six months. Co-accused Sonia, Sahdev and Abhimanyu have already been granted the concession of regular bail by this Court. The trial will take time to conclude. Without expressing any opinion on the merits of the case, the petition is allowed. The petitioner is ordered to be released on regular bail subject to his furnishing bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Jhajjar.

(ARUN MONGA)
JUDGE

10.06.2020
Jiten

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No