

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-15758-2020

Date of decision: 05.11.2020

Mohit @ Ponna

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. U.K. Agnihotri, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner Mohit @ Ponna, stated to be aged 21 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.114 dated 27.03.2019, registered under Sections 302, 201 & 120-B of Indian Penal Code, at Police Station Kundli, District Sonapat.

Learned counsel for the petitioner, based on the pleadings, submits that the present FIR has been registered on statement of Kuldeep. In his statement, which formed FIR, it has been alleged that on 26.03.2019, while he was grazing the buffalo near Drain No.8, Village Chhatehra, District Sonapat, he found a dead body of unknown person lying on the side of drain. He accordingly gave information to the police. This FIR has been lodged on 27.03.2019. As per learned counsel for the petitioner, the

petitioner is not named in the FIR and there is no eyewitness to the alleged incident.

On instructions from SI Sumer Singh, learned State counsel submits that the petitioner was arrested on 16.04.2019. He then submits that charges in this case were framed on 12.02.2020 and there are total of 23 witnesses, out of which, none has been examined till date. Learned State counsel further submits that the petitioner is not involved in any other case except the present one.

Faced with the situation, learned counsel for the petitioner submits that since the date of arrest of the petitioner i.e. 18.04.2019, he has completed more than one year and six months of custody. Learned counsel then submits that the petitioner is a young boy of 21 years of age and as per the reply filed by way of affidavit of Virender Singh, HPS, Deputy Superintendent of Police, Head Quarter, Sonipat, on behalf of the respondent-State, the petitioner has been named in the FIR only on account of alleged disclosure statement made by the petitioner.

Learned counsel for the petitioner further submit that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail/surety bonds.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

05.11.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No