

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

CRR-978-2020

Decided on : 21.07.2020

Jatin

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Kunal Dawar, Advocate
for the petitioner(s).

Ms. Dimple Jain, Asstt. AG, Haryana.

Mr. Naveen Gupta, Advocate
for the complainant.

MANJARI NEHRU KAUL, J.

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

Instant revision petition has been preferred against the order dated 28.05.2020, passed by the learned Additional Sessions Judge, Faridabad, vide which the bail application filed by the petitioner, who has been declared juvenile in case FIR No. 317, dated 26.06.2019, under Sections 302, 34 IPC and Section 25 of the Arms Act, registered at P.S. Sadar Ballabgarh, Faridabad, has been declined.

Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case on the basis of an alleged disclosure statement of his brother and co-accused Dev Dutt. Further contends that the false implication of the petitioner is evident from the fact that the case of the prosecution rests purely on circumstantial evidence and it was after 15 days of the occurrence in question, a suspicion was raised *qua* the

involvement of co-accused Dev Dutt in the crime in question. The motive alleged against the brother of the petitioner pertained to an altercation, which had taken place between the deceased and co-accused about 1½ years prior to the occurrence in question. Not only this, even as per the disclosure statement made by the co-accused, no overt act or role was attributed to the petitioner except that he was riding the motorcycle along with pillion rider co-accused Dev Dutt, who allegedly fired the gun shot at the deceased.

Lastly, learned counsel for the petitioner contends that the petitioner has been in custody for more than a year having been arrested on 09.07.2019 and till date out of the 30 prosecution witnesses cited, only 06 witnesses, which include complainant and other material witnesses, have been examined. Hence, the trial is unlikely to conclude in the near future.

Per contra, learned State counsel while opposing the prayer of the learned counsel for the petitioner, has not been able to controvert the fact that the petitioner's name cropped up only during the disclosure statement of co-accused made before the police, wherein, he stated that he was sitting as a pillion rider on the motorcycle being driven by the petitioner, when he fired the gun shot at the deceased.

Heard.

In view of the submissions made by learned counsel for the parties and keeping in view the fact that the petitioner has been behind bars since 09th July, 2019, no useful purpose would be served in keeping the petitioner behind bars, as the trial is unlikely to conclude in the near future, more so in the prevailing conditions due to the outbreak of pandemic COVID-19. I deem it a fit case for grant of the concession of regular bail. Accordingly, the impugned order dated 28.05.2020 is hereby set aside and the petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that

anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

July 21, 2020
J.Ram

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