

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

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**CRM-M-17299-2020
Date of decision: 04.09.2020**

Nawab @ Bangali

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Susheel Gautam, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.300 dated 24.03.2019 registered under Section 302 read with Section 34 of the Indian Penal Code, 1860 at Police Station Chandni Bagh, District Panipat.

The above said FIR was registered on written complaint of Maya Devi who, inter alia, alleged that on 23.03.2019 at about 8:00 p.m. her son Vikas @ Bunty received a telephonic call from accused Sunny @ Dablu and thereafter left the house. Accused Sunny @ Dablu and Nawab (petitioner) brought the dead body of her son on the same night at about 10:00/10:30 p.m. in a tempo. Sunny @ Dablu jumped from the tempo and fled away. Her son had suffered injuries on his hand and legs and blood had oozed out from his nose and ears. Pursuant

to registration of FIR, the police investigated the case and charge-sheeted the petitioner along with his co-accused on the allegations of having murdered Vikas @ Bunty by administering drug over dose to him.

The petitioner, who is in custody since 25.03.2020, has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel in terms of reply filed by way of affidavit of Sh. Om Parkash, HPS, Deputy Superintendent of Police, Panipat.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case on the basis of alleged disclosure statements and recovery of injections/syringes. The petitioner has nothing to do with the alleged offence. There is no incriminating evidence against the petitioner. During trial the petitioner has not been implicated by PW-10 Maya Devi-complainant and PW-11 Manisha sister of the deceased. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner along with his co-accused murdered Vikas @ Bunty by administering drug over dose to him. The petitioner is a previous convict and is also involved in one more case which is pending. In view of the gravity of accusation, the petitioner does not deserve grant of

regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner and statements of PW-10 Maya Devi-complainant and PW-11 Manisha-sister of deceased who have not implicated him and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

04.09.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No