

**216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-21729-2020
Decided on : 13.08.2020

Dharmender

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. A.P.S.Deol, Sr. Advocate with
Mr. H.S.Deol, Advocate
for the petitioner.

Mr. Gurbir Dhillon, AAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.335 dated 20.11.2017 registered under Sections 148, 149, 323, 307, 342, 506, 379-B IPC,1860 (offence under Section 302 IPC added after death vide DDR No 18 dated 27.11.2017) at Police Station Khol, Distt Rewari (Annexure P-1).

Learned Senior counsel for the petitioner inter alia contends that the petitioner, who has been behind bars since 22.11.2017 has been falsely implicated in the FIR in question. The occurrence took place on 16.11.2017 and the FIR was registered only on 20.11.2017 from which it is discernible that a concocted version has been brought forth against all the accused including the petitioner, who belongs to the same family. Resultantly, the genesis of the occurrence has been suppressed. In fact, it was the deceased Gautam, who had entered the house of co-accused Sudesh, who happens to be the sister-in-law of the petitioner, in the late hours of 16.11.2017 in an inebriated condition and tried to violate her person. On a hue and cry raised by her, her husband reached the spot and thereafter deceased was beaten up by co-accused Sudesh and her husband Aman. Not only this, on the following day itself a cross complaint

was filed by co-accused Sudesh against the deceased in respect of the aforementioned occurrence. The learned Sr. counsel further contends that the petitioner has been attributed only a single injury on the palm of the deceased with an axe in the FIR in question, which is not corroborated by any medical evidence. Still further, only 11 out of 32 prosecution witnesses cited so far have been examined.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from SI Sanjay Kumar has apprised this Court that the trial has not been able to proceed further due to the outbreak of the pandemic.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 22.11.2017, the trial is unlikely to 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.

(MANJARI NEHRU KAUL)
JUDGE

13.08.2020

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Whether speaking/reasoned:	Yes
Whether reportable :	No