

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-18051-2020 (O&M)

Date of Decision: 27.07.2020

Shadav @ Shahid

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Virender Soni, Advocate for the petitioner

Mr. Vikrant Pambool, DAG Haryana

GIRISH AGNIHOTRI, J. (Oral)

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

The petitioner Shadav @ Shahid aged 26 years has filed the present petition *inter alia* with a prayer for grant of regular bail. He has been allegedly involved in case FIR No.360 dated 03.10.2018 under Sections 302/34 IPC registered at PS Old Sabji Mandi, Rohtak.

Learned counsel based upon the pleadings submits that the petitioner has been falsely implicated in the case. He submits that in the FIR there is allegation that Maya (neighbourer of Pradeep @ Azad – brother of the complainant) informed that Ravi s/o Pradeep @ Azad and Shadav @ Shahid (the present petitioner) have killed Pradeep @ Azad – the brother of the complainant by inflicting brick blows. It has also been mentioned in the FIR that Ravi had become addicted to liquor and further allegation is that the petitioner used to live at the house of Ravi and had developed illicit relations with wife of Ravi, namely, Manju. He then refers to the statement of Manju dated 17.12.2019 (P2) to say that injuries were caused to Pradeep @ Azad by some unknown persons. She further deposed that the accused persons, namely,

Ravi, Shahid (present petitioner) and Manju daughter-in-law of Pradeep @ Azad are not responsible for the murder of deceased Pradeep @ Azad.

Learned counsel then refers to the statement dated 05.02.2020 (P4) of Dr. Palak Bansal who has said that there was only one external injury on the body of the deceased. It was further stated that the possibility of the aforesaid injury to have sustained falling on sharp objects cannot be ruled out.

Notice of motion.

On the asking, Mr. Vikrant Pamboo, DAG Haryana accepts notice through video conferencing.

Learned State counsel submits that in fact it is evident from the contents of the FIR that the petitioner had illicit relations with the daughter-in-law of deceased Pradeep @ Azad. He further submits that there are a total of 22 witnesses out of which 12 have been examined and the next date before the trial court is fixed for 18.09.2020.

Counsel for the petitioner then submits that due to COVID situation, retention of the petitioner in jail is dangerous to his life and otherwise also the trial is likely to take some time.

In view of the above, this Court deems it appropriate to release the petitioner on regular bail subject to his furnishing adequate heavy bail/surety bonds to the satisfaction of the Duty Magistrate/trial court concerned.

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

Disposed of.

27.07.2020

vishal shonkar

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

(Girish Agnihotri)
Judge

Yes/No
Yes/No