

CRM-M No.19142 of 2020

Date of decision : September 8, 2020

(Through Video Conferencing)

Rakesh alias Sonu alias Katia

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. R. A. Sheoran, Advocate
for the petitioner.

Mr. Apoorv Garg., DAG., Haryana.

Mr. Ajay Kumar, Advocate
for the complainant.

Manjari Nehru Kaul, J (oral).

The present petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner, in case FIR No. 399 dated 29.6.2018 under Sections 302/34 IPC registered at Police Station Dadri Sadar, District Charkhi Dadri.

Learned counsel for the petitioner contends that it is a case resting on circumstantial evidence and it was only after two months of the commission of the crime in question, name of the petitioner figured in the supplementary statement of one Shamsher Singh recorded under Section 161 Cr.P.C., wherein, he stated that he had seen the petitioner inflicting injuries on the deceased. However, during trial Shamsher Singh, who stepped into the witness-box as PW-6, did not support the case of the prosecution and was declared hostile. He has also submitted that other material witnesses also did not support the case of the prosecution. He has

thus, prayed for grant of regular bail, as the petitioner has been behind bars since 6.7.2018. He has further submitted that co-accused has already been granted the concession of regular bail vide order dated 26.6.2020 passed by this Court.

Per contra, learned State counsel as well as learned counsel for the complainant while opposing the grant of regular bail to the petitioner have not been able to controvert the submissions made by learned counsel for the petitioner with respect to the factual aspects of the case. Further, it has been conceded by them that the material witnesses including PW-6 Shamsher Singh did not support the case of the prosecution.

Heard.

In view of the submissions made by learned counsel for the petitioner and keeping in view the fact that the petitioner has been in custody since 6.7.2018 and due to the outbreak of the pandemic Covid-19 the trial is unlikely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Therefore, without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial court/Duty Magistrate.

(MANJARI NEHRU KAUL)
JUDGE

September 8, 2020
archana

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No