

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

208**CRM-M-19309-2020 (O&M)****Date of decision: 06.08.2020****Amit****.....Petitioner****versus****State of Haryana****....Respondent****CORAM: Hon'ble Mr. Justice Girish Agnihotri**

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Paras Talwar, Advocate, for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

*(the aforesaid presence is being recorded through video
conferencing since the proceedings are being conducted in Virtual Court).*

GIRISH AGNIHOTRI, J. (Oral)

Petitioner-Amit stated to be aged 22 years, has filed the present petition *inter alia* praying for grant of regular bail in case FIR No.495 dated 24.07.2018, under Sections 148, 149, 302, 404, 201, 120-B of IPC & Section 25 of Arms Act 1959, registered at Police Station Sampla, District Rohtak.

Learned Senior counsel for the petitioner makes many fold submissions. Firstly, he submits that the occurrence is allegedly of 23.07.2018, whereas, the FIR is of 24.07.2018. He then submits that a perusal of the FIR would clearly show that it is not the case of an eye witness account. It is only a case of circumstantial evidence. He then submits that initially, on the allegations made by the complainant in the FIR,

there were five accused, but, three out of them namely, Rajesh, Ravinder and Ramphal, were found innocent by the Police. He further submits that the complainant makes a supplementary statement on 04.08.2018 and named another four persons. Learned counsel then submits that even the FSL report does not support the prosecution case as it is stated that no definite opinion can be given on inter linkage of the alleged recovery of pistol and the injury on the deceased.

Learned Senior counsel further makes reference to disclosure statement, to submit that one Varinder @ Vendo with *Slugger* and Preet, with *Kulhari* had given injuries on head and neck of the deceased respectively.

Learned State counsel submits that the petitioner is involved in a serious crime. He further submits that the challan in this case was submitted and on 07.03.2019 charges were framed. He then submits that there are total of 35 witnesses but none has been examined till date.

Learned counsel for the petitioner however submits that due to the present COVID-19 situation and also the fact that trial is likely to take some time, detention of the petitioner in jail is dangerous to his life, therefore, petitioner may be granted concession of regular bail.

In view of the peculiar facts as noticed above, considering the existing situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct the release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail

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

The petition stands disposed of accordingly.

(GIRISH AGNIHOTRI)
JUDGE

06.08.2020

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