

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211 - CRM-M-21454-2020
Date of Decision: 06.10.2020

Sahil

... Petitioner

VS.

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE GIRISH AGNIHOTRI

Present: Mr. Sachin Mittal, Advocate for the petitioner
Mr. Rajiv Goel, DAG Haryana
Mr. Parminder Singh, Advocate for the complainant

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 Sahil aged 18½ years has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.42 dated 16.01.2019 under Sections 302 & 34 IPC registered at PS Gharaunda, Karnal.

Learned counsel for the petitioner, by making reference to the FIR, submits that the alleged version in the FIR is unbelievable. Firstly, he submits that the allegations in the FIR are concocted to bring in the element of eye-witness whereas in fact it is improbable that on raising noise, the brother would come and witness the actual occurrence. He also submits that it is also not believable that another friend i.e. the complainant without disclosing the deceased would start following him and when the deceased was attacked, he would not make any effort to save him.

Apart from the submissions on merits, he submits that the trial is likely to take some time as in spite the fact that the charges were framed on 26.04.2019, out of a total of 12 witnesses, only 4 have been examined till date.

Learned State counsel, on instructions, submits that after completing the investigation and presentation of challan, charges have been framed on 26.04.2019. It is submitted that out of 12, only 4 witnesses have been examined till date.

Counsel for the complainant submits that the father of the deceased in a statement recorded under Section 161 CrPC has referred to the previous enmity between the petitioner and the deceased. He submits that in fact the petitioner had grouse/enmity with the deceased on account of the girl-friend.

Faced with this situation, learned counsel for the petitioner submits that in fact considering the age of the petitioner who is a young boy of 18½ years and also due to the present COVID-19 situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the facts noticed above, the present situation due to COVID-19 and the fact that trial is likely to take some time, this Court deems it appropriate to direct 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.

06.10.2020

vishal shonkar

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

(Girish Agnihotri)
Judge

Yes/No
Yes/No