

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

CRM-M-26532 of 2020

DATE OF DECISION :- October 29, 2020

Anand Giri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Maheshinder Singh Sidhu, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Anand Giri, a resident of Village Kanso Mathiya, Hadarpur, District Uttar Pradesh, an accused in F.I.R. No. 469 dated 19.5.2018 for offence under Sections 302, 201, 34 IPC registered with Police Station Chandni Bagh, District Panipat.

Briefly stated the facts of the case as per the prosecution story are that one Pancham Singh son of Chatar Singh, resident of Village Ganj Vashoda, District Bidish, Madhya Pradesh, who was residing as a tenant in a house at labour colony, Panipat was murdered. F.I.R. in question was registered in that regard. On 18.5.2018, at about 9.00 P.M. the deceased had been seen in company of Anand Giri, Sharad and Rahul taking liquor.

Complainant Satinder @ Billu in the statement made to the police had stated

that he had a suspicion that Anand Giri, Sharad and Rahul might have attacked Pancham Singh with a sharp edged weapon and murdered him and thereafter thrown away the dead body of the deceased to cause disappearance of the evidence.

On the basis of such statement, formal F.I.R. was registered. The matter was investigated. All the three suspects were arrested and have been sent up to face trial. Petitioner Anand Giri had approached the Court of Sessions at Panipat seeking regular bail, however, his such request was declined by learned Additional Sessions Judge, Panipat vide order dated 26.9.2019, therefore, the applicant has approached this Court craving for grant of similar relief which request is being opposed by the learned State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that as a matter of fact it was a blind murder case since the dead body of Pancham Singh had been found on the road; the independent witness cited by the prosecution has not supported the prosecution story and there is no other evidence available to connect the petitioner accused with the crime. On account of Covid-19, the proceedings in the trial Court have been held up; the petitioner is behind bars since 19.5.2018; he has minor children and wife to support, therefore, he be granted regular bail, whereas this request is being opposed vehemently by the State counsel.

After hearing the rival contentions, I find that no case for grant of regular bail is made out. In the F.I.R. got recorded by the complainant he has mentioned the name of the petitioner along with two others being

suspects for murder of Pancham Singh for the reason that he had last seen three of them in the company of the deceased taking liquor soon before his death. This petitioner along with his co-accused Sharad and Rahul were suspected of committing murder of Pancham Singh right from the beginning. When after recording of the F.I.R. the matter was investigated the involvement of three of them in the murder of Pancham Singh was found to be there. For the said reason they have been sent up to face trial by the Court. The trial is going on and out of 18 witnesses cited by the prosecution 5 witnesses are said to have been examined. On account of outbreak of Covid-19 which was an unprecedented situation the functioning of the Courts was also affected and got slowed down in the process. However, now the situation is improving and physical hearings in the Courts at District level have since started, the trial against the petitioner and his co-accused is likely to be completed in near future. However, the gravity of allegations against the petitioner and the fact that the trial against him is likely to be concluded in near future besides the other facts and circumstances do not warrant release of the petitioner on regular bail. Therefore, the petition so moved lacks merit and is dismissed accordingly.

(H.S. MADAAN)
JUDGE

October 29, 2020

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No