

**218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-27042-2020 (O&M)
Decided on : 16.09.2020

Sohan Singh @ Sonu

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.288 dated 28.05.2018 registered under Sections 302, 148, 149, 506, 201, 120-B and 34 IPC, 1860 at Police Station Shahabad District Kurukshetra.

Learned counsel for the petitioner inter alia contends that false and fabricated version has been brought forth against the petitioner in the FIR question. There is unexplained delay of 24 hours in lodging the FIR, which lends credence to the false implication of the petitioner. He further submits that though the complainant claimed himself to be an eye-witness of the occurrence in question and on seeing his nephew-Gurmeet Singh (deceased) being assaulted by the accused, who were armed with lethal weapons, he tried to rescue his nephew from all the accused, however, strangely he did not even suffer a scratch on his person, which further creates a dent in the case of the prosecution. Further contends that petitioner is behind bars since 29.05.2018 and only 13 out of the 20 prosecution witnesses cited so far have been examined. It has also been contended that

due to the outbreak of Covid-19, there is no likelihood of the trial concluding in the near future. He has also apprised this Court that vide order dated 20.08.2020 passed in CRM-M-27695-2019 similarly situated co-accused have been extended the concession of bail by this Court.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner. He on instructions from SI Dharampal has admitted that only 13 out of 20 prosecution witnesses have been examined so far.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 29.05.2018, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

16.09.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No