

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28711-2020

Date of Decision: 07.10.2020

Ashok

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice B.S. Walia.

Present : Ms. Supriya Arora, Advocate for
Mr. Anurag Arora, Advocate for the petitioner.

Mr. Surender Singh, Asstt. AG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of Covid-19 pandemic.
2. Prayer in the petition under Section 439 Cr.P.C., is for grant of regular bail to the petitioner during pendency of trial in case FIR No.194 dated 16.06.2020, registered under Section 346 IPC, 1860 (now challan presented U/s 304(II), 34, 201 of IPC), at Police Station Sadar Narnaul, District Mohindergarh.
3. Learned counsel contends that the petitioner has been implicated in the instant case solely on the basis of disclosure statement to the effect that while the petitioner, Deepak, and deceased, Ashish were drunk after having consumed liquor and had gone to a canal to have a bath, petitioner and co-accused, Deepak, asked deceased Ashish, to jump from the bridge in the canal, on the assurance that they would save him and despite knowing that he did not know how to swim, when he was drowning, they did not attempt to rescue him. Learned counsel contends that in the absence of there being any material other than disclosure statement to connect the petitioner with the death of Ashish, the

petitioner is entitled to be released on bail since the challan has been presented, but charges have not been framed and in the circumstances, conclusion of trial would take considerable period of time and no useful purpose would be served by detaining the petitioner in custody.

4. Learned Asstt. AG, Haryana, on instructions from ASI, Yogesh Kumar, frankly concedes that apart from the disclosure statement there is no material to connect the petitioner with the death of Ashish.

5. I have considered the submission of learned counsel for the parties.

6. Admittedly, there is no material other than the disclosure statement to connect the petitioner with the commission of the offence, and that although challan has been presented, charges have not been framed and in the circumstances, trial would take considerable period of time on account of prevailing circumstances of Covid-19 pandemic, therefore no useful purpose would be served by detaining the petitioner in custody.

7. Accordingly, without commenting upon the merits of the case, the petition for regular bail is allowed and the petitioner is ordered to be released on bail during the pendency of trial on his furnishing bail / surety bonds to the satisfaction of the learned trial Court / CJM / Duty Magistrate, concerned, provided he is not required in any other case. The petitioner shall also abide by the conditions contained in Section 437(3) Cr.P.C.

8. However, the same is subject to the condition that the petitioner does not attempt to influence the witnesses. In the eventuality of any attempt

by the petitioner to pressurize or influence the witnesses, regular bail granted

to the petitioner, would be liable to be cancelled on an application being filed by the prosecution.

9. However, nothing stated hereinabove shall be taken to be an expression of opinion *qua* the merits of the case.

(B.S. Walia)
Judge

October 07, 2020
'Amit-Rajesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No