

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

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**CRM-M-30878-2020
Decided on : 21.12.2020**

Abhay

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Rajesh Bansal, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by ASI Devinder Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 438, dated 21.06.2017, under Sections 120-B, 34, 341, 379-B, 506, 302, 201, 216 IPC, registered at Police Station Samalkha, District Panipat.

Learned Senior counsel for the petitioner *inter alia* contends that the petitioner, who has been in custody since 23rd June, 2017, has only been attributed an injury on the left foot of the deceased with an iron rod. He further submits that the fatal injury was not attributed to the petitioner, but to co-accused Shanker.

Learned counsel for the petitioner has referred to various orders of this Court, which are annexed as Annexures P-3, P-4, P-8 & P-9, respectively, to contend that the similarly situated co-accused have since been extended the concession of regular bail by the coordinate Bench of this

Court. Learned counsel for the petitioner has further submitted that the trial has been proceeding at a very slow pace and only 04 out of 27 prosecution witnesses cited have been examined so far. Hence, the petitioner be extended the concession of regular bail, as the trial is unlikely to conclude anytime in the near future.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, has not been able to controvert the factual aspects of the submissions made by the learned counsel for the petitioner. He further submits that the next date before the trial Court is fixed for 04.02.2021, when the remaining prosecution witnesses are likely to be examined.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

December 21, 2020

J.Ram

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