

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-30922-2020
Date of decision-19.11.2020**

Ashish @ Mota **....Petitioner**
Vs.
State of Haryana **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Pawan Kumar Hooda, Advocate for the petitioner.
Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.247 dated 22.04.2020 registered under Sections 302 and 34 Indian Penal Code, 1860 at Police Station Samalkha, District Panipat. The petitioner is in custody since his arrest on 22.04.2020.

The FIR was lodged by Shamsher Singh son of Duli Chand, who alleged that on 21.04.2020, his nephew, namely, Sandeep was found dead in the fields and later he came to know that day before the death of his nephew, Balram, Ashish, Vikas and Dharampal @ Kala were present in the fields and were consuming alcohol. His nephew also went to the fields for some work. According to complainant, Balram gave injuries to Sandeep (deceased) with iron pipe, and caused his death, whereas the other accused persons dragged his body from the fields. On these broad allegations, the above case was registered.

Learned counsel for the petitioner contends that as per prosecution complainant- Shamsher Singh found the dead body of Sandeep, lying in the fields and reported the same to Police and later on made a

supplementary statement and indicted Dharampal, Vikas, Balram and Ashish

(petitioner) as accused persons. He submits that as per the prosecution, Balram had given the iron pipe blow on victim, who was held by Ashish. He submits that other two co-accused, namely, Dharampal and Vikas have been found innocent and except for the disclosure statement of co-accused Balram, there is no evidence against the petitioner. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Ram Krishan has opposed the prayer on the ground that the petitioner was involved in the crime, who alongwith co-accused dragged the dead body to the side of the fields. He on instructions states that the investigation of case is complete and final report stands filed on 09.07.2020.

After hearing the learned counsel for the parties, this Court finds that the investigation of the case is complete, however, charges are yet to be framed. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody since 22.04.2020 and his further detention may not be necessary for any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

19.11.2020

vanita

Whether speaking/reasoned :
Whether Reportable :

Yes
Yes

(MANOJ BAJAJ)
JUDGE

No
No