

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-34575-2020(O&M)
Date of Decision:05.11.2020

VIPUL @ GAGGI

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kartik Sandal, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

ANIL KSHETARPAL, J.

Hearing of the case was held through video conference on account of restricted functioning of the Courts.

The petitioner prays for grant of bail pending trial in a criminal case arising from FIR No. 389, dated 01.12.2019, registered under Section 34/302/341 IPC, at Police Station Sadar Tohana, District Fatehabad.

The petitioner is in detention since 02.12.2019.

Sh Munish Sharma, Assistant Advocate General, Haryana, on instructions from ASI Kapil Kumar, has submitted that the petitioner does not have any criminal antecedents apart from the present case.

As per the case of the prosecution, an altercation took place in a marriage function held in the evening. Next morning, the petitioner is alleged to have given a fatal blow with 'thapi' (wooden log which is normally used for washing the clothes).

Learned counsel for the petitioner contends that on completion of the investigation, challan has been presented, however, the charges are yet to be framed. He further submits that the petitioner has already suffered incarceration for a period of more than 11 months.

On the other hand, Sh. Munish Sharma, Assistant Advocate General, Haryana, has opposed the application on the ground that the petitioner is the main accused, who is alleged to have given injury on the deceased's head, resulting in death.

This court has considered the submissions and with able assistance of learned counsels for the parties, perused the paper book.

No doubt, as per the case of the prosecution, the petitioner is attributed to have given fatal blow to Des Raj, deceased, however conclusion of the trial is likely to take a lot of time.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is in detention for more than 11 months and conclusion of the trial is likely to take time, the petitioner is directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

(ANIL KSHETARPAL)
JUDGE

November 05, 2020
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No