

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-36179-2020

DATE OF DECISION: 04.12.2020

ANIL

... Petitioner (s)

Versus

STATE OF HARYANA

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Sukesh K. Jindal, Advocate
for the petitioner.

Ms. Safia Gupta, AAG, Haryana.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking regular bail in FIR No.437 dated 15.07.2019, under Sections 302, 34 and 506 IPC (Sections 148, 149 and 404 IPC added later on and Section 34 IPC was deleted), registered at Police Station Samalkha, District Panipat.

Learned counsel for the petitioner contends that it is alleged in the FIR which has been lodged by the brother of the deceased that he had seen 3-4 persons on the motorcycle, who had given beatings to the deceased with 'lathis' and 'dandas'. He further contends that in the supplementary statement of the complainant recorded after 1 ½ months of the incident, he had named co-accused Ashok @ Shoky and Kuldeep @ Dola as the persons who had caused injuries to the deceased. He also contends that the petitioner was arraigned as an accused on the statement of Ashok @ Shoky that the petitioner was also an accomplice. He further contends that the petitioner is in

custody for over 1 year and 3 months and no recovery has been effected from him. He is not involved in any other criminal case.

Learned State counsel, upon instructions from SI Ramesh, contends that although the challan has been filed but no prosecution witness has been examined. She further contends that the petition of the co-accused Charanjit for regular bail was dismissed as withdrawn before the coordinate Bench of this Court.

At this stage, learned counsel for the petitioner contends that a motorcycle had been recovered from the co-accused Charanjit while no recovery has been effected from the petitioner.

Heard through video conferencing.

In view of the submissions of learned counsel for the petitioner, especially when the petitioner, who is 21 year of age, he is not named by the complainant and has been arraigned as an accused on the statement of the co-accused, no recovery has been effected from him, he is not involved in any other criminal case, the COVID-19 pandemic and the conclusion of the trial is likely to take some time, I deem it a fit case to grant the concession of regular bail to the petitioner.

Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

(ANUPINDER SINGH GREWAL)
JUDGE

04.12.2020.

SwarnjitS

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