

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

**CRM-M-35561 of 2019 (O&M)
DATE OF DECISION : 21.08.2020**

Lal Bahadur @ Sonu @ Kalu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. B.R. Rana, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 484 dated 02.10.2018, registered under Sections 307, 323 read with Section 34 IPC, Police Station Sector 5, Panchkula.

2. Initially, FIR was registered on the statement of Harvinder Singh, who apprised the police about inflicting of fatal injury to Sunil by some boys of Nepal origin. He disclosed names of two persons, out of the assailants, as Sunder and Shivcharan. During test identification parade, the injured examined one Basant as the person who inflicted injury on his neck by knife and Lal Bahadur @ Kala (petitioner) as his accomplice, who gave fist and leg blows to him

3. Learned counsel submits that injury under Section 307 IPC is attributed to Basant and the petitioner was not even named in the FIR. Later, in the supplementary statement, the injured identified him and attributed fist and leg blows. According to him, petitioner is in custody for the last about 1 year and 8 months. He further submits that though trial has commenced, but now

trial is held up due to Covid-19. According to him, especially in the pandemic scenario, there is no likelihood of trial being concluded in time.

4. On the other hand, learned State counsel opposes the bail plea. He submits that petitioner is a resident of Nepal and there is every apprehension of his fleeing from trial, in case he is granted bail. He, however, does not dispute the custody period and that there is not much progress in the trial.

5. The petitioner is in custody almost for the past one year and eight months. He was not named in the FIR and later he was identified by the injured and was attributed fist and leg blows. The fatal injury is attributed to Basant. There is no headway in the trial and is not likely to commence or conclude anytime soon due to covid-19 pandemic. Courts are currently working with restrictions and taking up only urgent matters. Considering the overall scenario, without commenting on the merits of the case, the petition is allowed. Petitioner shall be released on bail on his furnishing bail bonds and surety bonds of two local sureties to the satisfaction of concerned Chief Judicial Magistrate/ Duty Magistrate, as the case may be.

August 21th 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No