

**217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(through video conferencing)**

CRM-M-41578-2020
Decided on : 15.12.2020

Deepender

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K.Yadav, Advocate
for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.163 dated 29.03.2020 registered under Sections 302/34 IPC,1860 during investigation Section 302 IPC was deleted and Section 306 IPC added but later on Section 302 IPC added again at Police Station City Mahendergarh District Mahendergarh.

Learned counsel for the petitioner inter alia contends that initially FIR in question was registered under Section 302 read with Section 34 IPC. However, Section 302 IPC was deleted during investigation by the investigating agency and Section 306 IPC added. Subsequently the investigating agency deleted the offence under Section 306 IPC and again added Section 302 IPC without there being any supportive medical evidence much less any opinion of the doctor that it was a case of murder. While drawing the attention of this Court to the Final Report under Section 173 Cr.PC (Annexure P-4), learned counsel has submitted that even as per the opinion of the doctor the possibility of the deceased committing suicide with the rope could not be ruled out. It has been submitted that even in the

worst case scenario and the post mortem report the offence at best would be one under Section 306 IPC. Learned counsel has thus prayed for concession of regular bail as the petitioner has been in custody since 10.08.2020 and only challan has been filed till date.

Per contra, learned State counsel while opposing the prayer of learned counsel for the petitioner on instructions from ASI Yogesh Kumar has apprised this Court that charges are likely to be framed on 08.01.2021. On a pointed query to learned State counsel about the medical evidence collected during investigation with respect to the homicidal nature of the death, learned State counsel was unable to satisfy this Court qua the same and submitted that daughter of deceased in her statement recorded by the investigating agency had stated that her parents would frequently quarrel.

Heard.

In view of the submissions made by learned counsel and the fact that the petitioner has been in custody since 10.08.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic Covid-19. Hence, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

15.12.2020
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No