

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

Date of decision: 18.06.2020

CRM-M No.40310 of 2019 (O&M)

Kunal @ Golu

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Gautam Dutt, Advocate, for
Mr. Manish Soni, Advocate, for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

CRM No.13712 of 2020

Application is allowed. Statements of the prosecution witnesses have been taken on record.

CRM-M No.40310 of 2019

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.87 dated 04.07.2017 registered under Sections 302/201/365/34 IPC at Police Station Sector 9-A, Gurugram.

2. Mr. Dutt submits that the petitioner has been falsely implicated in the case. The petitioner has no nexus with the allegations as levelled in the FIR. He further submits that the petitioner is behind the bars since 28.11.2017. The trial is likely to take long time to conclude and therefore, the petitioner is entitled to be enlarged on bail.

3. On the other hand, Mr. Suveer Sheokhan, Addl. AG, Punjab, representing the respondent/State, though opposes the grant of regular bail, but has nothing substantial to say.

4. The cumulative effect of reading the FIR and in the light of the arguments addressed by Mr. Dutt and Mr. Mohunta through video conference/WhatsApp [the only possible way due to the pandemic COVID-19 restrictions], I believe that this is a case to lead towards the petitioner in the matter of grant of regular bail. The petitioner has spent about 2 years and 7 months in jail. There is grey area which the trial will ultimately understand and without making any opinion thereof that the presence of the names of three persons to whom kidnapping was attributed followed by the discovery of the dead body the next date is also what persuades me to tilt scales from the perspective of grant of regular bail in favour of the petitioner. There appears to have been no scuffle when three persons came and took the father of the complainant in their Alto Car. This will be subject matter of consideration by the trial Court.

5. Mr. Mohunta pointed out that the blood recovered from the Alto Car matched the blood of the deceased. Mr. Mohunta has vehemently argued that this is not a case for grant of regular bail as the FIR, a believable version of scene, but then the son will not stay with father according to his own story.

6. Thus, on consideration of the case at this stage and keeping in view the fact that the petitioner is behind the bars since long, I think that no useful purpose would be served in keeping the petitioner behind bars since

the trial is likely to take some time. It appears to be a fit and proper case for grant of bail pending trial.

7. Accordingly, without going into merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate. However, any observation made by this Court shall not be construed to be an expression on the merit of the case.

18.06.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No