

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

205

CRM-M-51655 of 2019

Date of Decision: 01.10.2020

(through video conferencing)

Sanjay

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Mohd. Yousaf, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Manjari Nehru Kaul, J.(Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner, in case FIR No.202 dated 18.06.2016 under Sections 302, 147, 148 and 149 IPC, registered at Police Station Tosham, District Bhiwani.

Learned counsel for the petitioner contends that the petitioner has been in custody since 18.06.2016 and till date, only 4 out of 18 prosecution witnesses cited so far have been examined. He further contends that an application under Section 319 Cr.P.C. was filed by the prosecution for summoning of additional accused which has since been allowed. Hence, the trial is going to begin all over again and as a result of which, there is no likelihood of the trial concluding in the near future. He further contends that even otherwise, the delay in lodging of the FIR lends credence to his false implication, as no role has been attributed to him qua inflicting any injury on the deceased or any other witness and the only role attributed to him is of having held the deceased from his back.

Learned State counsel, on instructions from ASI Rambir, while opposing the prayer of learned counsel for the petitioner, has admitted that no injury is attributed to the petitioner. Further, learned State counsel has not been able to controvert the factual aspect of the submissions made by learned counsel for the petitioner.

Heard.

Keeping in view the fact that the petitioner has been in custody since 18.06.2016 and due to the outbreak of the pandemic Covid-19, the trial is not likely to conclude in the near future, I deem it a fit case to grant the concession of regular bail to the petitioner. Without expressing anything on the merits of the case, the instant petition is allowed and the petitioner is ordered to be released on regular bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

01.10.2020

D.Bansal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No