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

CRM-M-53323-2019

Date of Decision :24.08.2020

Jitender @ Sonu.....Petitioner

Versus

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...

(Through video conferencing)

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Apoorav Garg, DAG, Haryana.

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MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed for grant of regular bail to the petitioner in case FIR No.309 dated 06.12.2016 under sections 147, 148, 149, 302, 323, 324, 365 IPC and Section 25 of the Arms Act, 1954 registered at Police Station Bawani Khera, District Bhiwani and charged under Sections 302, 323, 324, 365, 34 IPC.

Learned counsel for the petitioner contends that the false implication of the petitioner in the FIR in question is evident from the fact that three different versions have come up qua his role in the crime in question. The learned counsel contends that as per the allegations levelled against the petitioner in the FIR, he was alleged to be riding a motorcycle and was armed with a knife and danda. Further it was alleged that the

petitioner had taken out petrol in a bottle from the motorcycle with the intention to burn the deceased Mahesh. Thereafter, during trial the complainant while stepping into the witness-box as PW-4, came up with an altogether different version from the one given in the FIR, wherein, he deposed that the petitioner along with the co-accused had collectively caused injuries to the deceased as well as the injured witnesses and it was not the petitioner but co-accused Ankesh (since extended the concession of regular bail by this Court vide order dated 05.03.2019 in CRM-M-4263-2019) who had taken out the petrol from the motorcycle for the purpose of burning the deceased Mahesh. However, after an application was moved under Section 319 Cr.P.C. for summoning of co-accused Rahul, Akash, Mahesh @ Manjit, Sanjay, Sandeep @ Matru, Pankaj @ Bala, Ankesh and Sumit, the complainant in his testimony as PW-1 again came out with a contrary version to the ones given earlier and did not attribute any role at all to the petitioner in the occurrence in question. As a result of which, he was declared hostile. The learned counsel has submitted that the petitioner has been behind bars since 07.12.2016 and only 18 out of the 34 prosecution witnesses cited so far have been examined. Hence, it is unlikely that the trial would conclude any time in the near future.

Per contra, learned counsel for the State, on instructions from SI Jai Singh, while opposing the submissions made by the petitioner has not been able to controvert the factual aspect of the submissions so made by the learned counsel for the petitioner.

Heard.

In view of the submissions made by the learned counsel and keeping in view that the petitioner has been in custody since 07.12.2016, I

deem it a fit case to grant the concession of regular bail, as the trial is unlikely to conclude in the near future, more so, on account of the prevailing situation due to the outbreak of the pandemic COVID-19. The petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that any observation made herein above shall not be construed as an expression of opinion on the merits of the case.

24.08.2020*rupi***(MANJARI NEHRU KAUL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No