

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

204

CRM-M-54251-2019 (O&M)

Date of decision: 14.10.2020

Sumit @ Soni

.....Petitioner

versus

State of Haryana

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Pawan Attri, Advocate for the petitioner.

Mr. Rajiv Goel, DAG, Haryana.

GIRISH AGNIHOTRI, J. (Oral)

The matter has been taken up through video-conferencing on account of restrictions due to outbreak of pandemic COVID-19.

Petitioner-Sumit @ Soni, stated to be aged 21 years, has filed the present petition *inter alia* with a prayer for grant of regular bail in case FIR No.13 dated 19.08.2018, registered under Sections 364, 302, 201, 404 & 34 of Indian Penal Code and Section 3(2)(V) of SC/ST Act, at Police Station Dabua, Faridabad.

Learned counsel for the petitioner firstly submits that the FIR was initially registered on complaint made with three days delay by the Mother, under Section 346 IPC. He secondly submits that the petitioner has not been named in the FIR. It is then submitted that as per the alleged prosecution version, one person namely Salim, lives in the same locality as that of the petitioner. Ruksar-sister of Salim, had ran away and married Sanjay

(deceased). It is alleged that when Sanjay had divorced and left Ruksar, the family, namely Salim, his father and others had allegedly with the assistance of the petitioner, tried to destroy the dead body of the deceased. The decomposed body was found from the forest.

On instructions from ASI Dharambir, learned State counsel submits that charges in this case have been framed on 26.11.2018. There are total of 28 witnesses, out of them, 11 have been examined and 17 are still remained to be examined. He further submits that the petitioner is not involved in other subsequent case.

Faced with the situation, learned counsel for the petitioner submits that the petitioner was arrested on 22.08.2018. He is a young boy of 21 years of age. Learned counsel, based on the pleadings in the petition, further submits that the petitioner has been falsely implicated. Even on merits, he submits that prosecution story is only concocted, as till today, it is not established that body found, was of the son of the complainant.

Learned counsel for the petitioner also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to his life and also the fact that trial is likely to take some time, the petitioner may be granted concession of regular bail.

In view of the peculiar facts noticed above and the present situation due to COVID-19 and also the fact that trial is likely to take some time, this Court deems it appropriate to direct release of the petitioner on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned, subject to his furnishing bail bonds/surety bonds.

However, it is made clear that anything observed herein shall not be

construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

14.10.2020
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Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No