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

CRM-M-466-2021

Date of decision-13.01.2021

Vivek**....Petitioner**

Vs.

State of Haryana**...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. U.K.Agnihotri, Advocate for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J.

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail pending trial in case FIR No.114 dated 27.03.2019 registered under Sections 302, 201 and 120-B Indian Penal Code, 1860 at Police Station Kundli, District Sonapat. The petitioner is in custody since his arrest on 18.04.2019.

The FIR was registered on the statement of Kuldeep son of Rame, wherein it was stated that on 26.03.2019 at about 05.00 p.m, when he was tethering his buffaloes at Drain No.8 at village Chhatehra, he found a dead body of unknown person lying on the side of drain, who seemed to be a 45 years old man. Thereafter, he reported the matter to the Police.

Learned counsel for the petitioner contends that complainant Kuldeep found dead body floating in drain and reported the matter to the Police and subsequently victim was identified as Khurshid Ahmad by his

brother Shakeel. The brother of the victim expressed his suspicion upon Meena and Vinod. Learned counsel contends that the case of the prosecution is based on confessional statement of accused Vinod, whereupon the petitioner has been indicted. Learned counsel has argued that the confessional statement of the co-accused may not be admissible qua the petitioner. He has further invited the attention of the Court to the order dated 05.11.2020 (Annexure P-6), whereby co-accused- Mohit has been released on regular bail by this Court. He prays that the petitioner be released on bail during the pendency of the trial.

On the other hand, learned State counsel assisted by SI Sumer has opposed the prayer on the ground that the petitioner participated in the crime and knife was recovered from him. He submits that accused-Vinod and Meena had caught the victim and petitioner stabbed him. He states that case of the prosecution is founded on the confessional statement suffered by Vinod (Annexure P-5). He on instructions further states that though the charges have been framed on 14.12.2019, but no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, this Court finds that the petitioner was arrested on 18.04.2019 and the trial is yet to commence as after framing of charges on 14.12.2019, no prosecution witness has been examined on behalf of the prosecution. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial. Admittedly, the petitioner is presently confined in judicial custody and his co-accused has already been released on regular bail, therefore, the further detention of the petitioner behind the bars may not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

13.01.2021

vanita

(MANOJ BAJAJ)
JUDGE

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