

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

CRM-M No. 928 of 2021

Date of decision: 16.08.2021

Sachin @ Tinku	Versus	...Petitioner
State of Haryana		...Respondent

Coram : Hon'ble Mr. Justice Arun Monga

Present : Mr. Amit Jhanji, Senior Advocate with
Mr. Himmat Singh Sidhu, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

(Presence marked through video conferencing).

Arun Monga, J. (Oral)

This is second foray of petitioner before this court, seeking regular bail in FIR No. 121 dated 01.06.2019, registered under Sections 307 (Section 302 IPC added later on) read with Section 34 of IPC and Section 25 of the Arms Act, 1959, at Police Station, Israna, District Panipat, having got the first petition dismissed as withdrawn on 08.09.2020 with liberty to approach the trial Court.

2. Per prosecution, the complainant and his wife Kavita (who was married to one Ashok before marrying the complainant), were going to the house of sister of the complainant at Gohana on 01.06.2019. En-route, two boys aged between 20 to 25 years, with muffled faces, arrived at the scene of occurrence and fired gunshots at Kavita. She later succumbed to the injuries on the following day. Allegation of the prosecution is that petitioner conspired with prime-accused Krishan alias Rahul to commit murder of said Kavita.

3. Learned senior counsel for the petitioner contends that as per the conceded case of the prosecution, the motive of alleged murder is entirely attributable to prime accused Rahul (now deceased), who had fired the gunshot. He later committed suicide, when he was still in custody. While on the other hand, the petitioner continues to be under incarceration since 15.06.2019. The trial is proceeding at a snail pace due to Covid-19 pandemic. In any case, the statements of material witnesses including the husband and brother-in-law of the lady, who was allegedly killed by the accused, have already been recorded. They have not supported the prosecution version.

4. Learned State counsel opposes the prayer made by the petitioner. He submits that, if released, the petitioner is likely to influence the rest of the witnesses. However, on a court query, he submits, under instructions from ASI Balwan Singh that the aforesaid material witnesses have indeed not supported the prosecution version.

5. I have heard rival contentions of the respective learned counsels.

6. The argument of the learned State counsel that the petitioner is likely to influence the witnesses during the pendency of the trial, *prima facie* does not seem to be tenable in view of the fact that concededly, statements of the material witnesses have already been recorded.

7. Considering the overall scenario, coupled with the period of detention already undergone, without commenting on the merits of the case, this petition is allowed. I am of the view that no useful purpose would be served to keep the petitioner in further preventive custody. The pending trial is also not likely to conclude anytime soon as the Courts are currently

functioning under certain restrictions caused by Covid-19 pandemic and till outcome thereof, to keep the petitioner in custody merely on the ground of apprehension of influencing rest of the witnesses, seems to be improper and unfair at this stage, especially when the material witnesses themselves have not supported the prosecution case.

8. Accordingly, petitioner is directed to be released on bail pending his trial, on his furnishing bail bonds and surety bonds to the satisfaction of concerned learned Sessions Court, where his case is being tried.

16.08.2021

vs

(Arun Monga)

Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No