

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

216

CRM-M-2284-2021

Decided on : 27.01.2021

Gourav

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. Namit Khurana, Advocate
for the petitioner(s).

Mr. Rajiv Goel, DAG, Haryana
assisted by HC Sunil Kumar.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 336, dated 29.11.2019, under Sections 392, 302 IPC, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

On a pointed query put to the learned counsel for the petitioner, it has been submitted that subsequent to the withdrawal of the earlier petition on 09.09.2020, the final report under Section 173 Cr.P.C. has been presented and similarly situated co-accused – Rahul, has been extended the concession of regular bail by this Court vide order dated 18th December, 2020 (Annexure P-5).

Learned counsel for the petitioner has further submitted that the petitioner has been in custody since 08th February, 2020 and charges have not yet been framed. Hence, there is no likelihood of the trial concluding anytime in the near future. He has further submitted that a perusal of the FIR in question also reveals that the petitioner has been implicated in the case in question on the basis of inadmissible evidence i.e. an alleged confession made before the police with

regard to his involvement in the crime in question. Learned counsel has further submitted that an unbelievable version has been brought-forth by the investigating agency that the wallet of the deceased was allegedly recovered in pursuance to his disclosure statement after 2½ months of the occurrence from the Hathni Kund Barrage, which admittedly is a very much frequented place.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from HC Sunil Kumar, has submitted that the charges are likely to be framed today before the trial Court. He has, however, not been able to controvert the factum of the alleged recovery of wallet of the deceased from the Hathni Kund Barrage after 2½ months of the alleged occurrence and also that there was no other incriminating evidence against the petitioner besides the aforementioned recovery.

Heard.

In view of the submissions made by learned counsel for the parties, I deem it a fit case for grant of the concession of regular bail to the petitioner, as the trial is unlikely to conclude in the near future, more so, in the prevailing conditions due to the outbreak of COVID-19. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 27, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*