

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

226

**CRM-M-6800-2021
Date of decision: 09.09.2021**

Anurag Rathi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anshul Mangla, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana
for the respondent-State.

(Through Video Conferencing)

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.48 dated 29.01.2020 lodged under Sections 304-B, 120-B and 34 of the Indian Penal Code, 1860 registered at Police Station Sector 32-33 Karnal, District Karnal.

Learned counsel for the petitioner submits that the false implication of the petitioner in the case in hand is evident from the fact that all the material witnesses including the complainant while stepping into the witness box before the trial Court did not support the case of the prosecution as a result of which they were declared hostile.

Learned counsel for the petitioner further submits that the petitioner has been in custody since 23.02.2020 and there is no likelihood of the trial concluding in the near future as the prosecution evidence has not yet concluded.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from SI Sham Sunder, has conceded that all the material witnesses including the complainant did not support the case of the prosecution during trial and resultantly were declared hostile.

Heard.

In view of the submissions made by learned counsel for the petitioner and the fact that the petitioner has been in custody since 23.02.2020, the trial is unlikely to conclude in the near future more so in the wake of outbreak of pandemic COVID-19, the present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

09.09.2021

Vinay

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No